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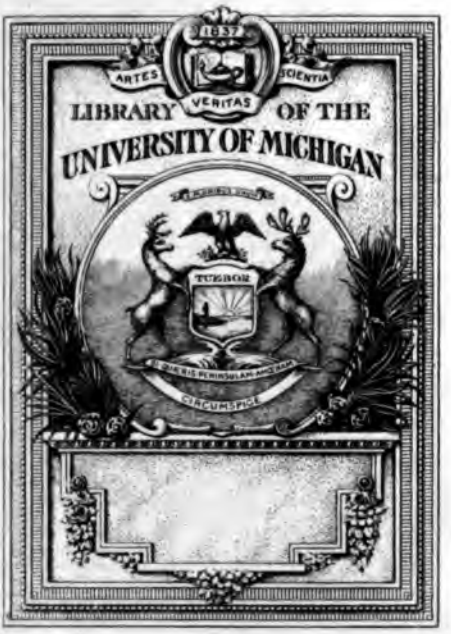
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Edmund Burke

From an engraving by Fiesinger

BRITISH ELOQUENCE

WITH INTRODUCTIONS AND EXPLANATORY NOTES BY

CHARLES KENDALL ADAMS

WITH A SUPPLEMENTARY VOLUME BY

JOHN ALDEN

Videtisne quantum munus sit oratoris historia?

—CICERO, *De Oratore*, ii., 15

VOLUME I.

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PREFACE.

THE three small volumes here offered to the public have been prepared in the hope that they would be of some service in showing the great currents of political thought that have shaped the history of Great Britain during the past two hundred and fifty years. The effort has been not so much to make a collection of the most remarkable specimens of English eloquence, as to bring together the most famous of those oratorical utterances that have changed, or here tended to change, the course of English history.

Eliot and Pym formulated the grievances against absolutism, a contemplation of which led to the revolution that established Anglican liberty on its present basis. Chatham, Mansfield, and Burke elaborated the principles which,

on the one hand, drove the American colonies into independence, and, on the other, enabled their independence to be won and secured. Mackintosh and Erskine enunciated in classical form the fundamental rights which permanently secured the freedom of juries and the freedom of the press. Pitt, in the most elaborate as well as the most important of all his remarkable speeches, expounded the English policy of continuous opposition to Napoleon; and Fox, in one of the most masterly of his unrivalled replies, gave voice to that sentiment which was in favor of negotiations for peace. Canning not only shaped the foreign policy of the nation during the important years immediately succeeding the Napoleonic wars, but put that policy into something like permanent form in what has generally been considered the masterpiece of his eloquence. Macaulay's first speech on the Reform Bill of 1832 was the most cogent advocacy of what proved to be nothing less than a political revolution; and Cobden, the inspirer and apostle of Free Trade, enjoys the

unique distinction of having reversed the opinions of a prime-minister by means of his persuasive reasonings. Bright embodied in a single eloquent address the reasons why so many have thought the foreign policy of England to be only worthy of condemnation. Beaconsfield concentrated into one public utterance an expression of the principles which it has long been the object of the Conservative party to promulgate and defend; and Gladstone, in one of his Mid-Lothian speeches, put into convenient form the political doctrines of the Liberals in regard to affairs both at home and abroad. It is these speeches, which at one time or another have seemed to go forth as in some sense the authoritative messages of English history to mankind, that are here brought together.

The speeches are in almost all cases given entire. A really great oration is a worthy presentation of a great subject, and such an utterance does not lend itself readily to abridgment, for the reason that its very excellence

consists of a presentation in just proportion of all its parts. An orator who has a great message to deliver, and who fulfils his task in a manner worthy of his subject, excludes every thing that does not form an essential part of his argument; and therefore in editing these orations it has seldom been thought wise to make either reductions or omissions. In a few instances, notably in the speeches of Fox and Cobden, a few elaborations of purely local and temporary significance have been excluded; but the omissions in all cases are indicated by asterisks.

In the introductions to the several speeches an effort has been made to show not only the political situation involved in the discussion, but also the right of the orator to be heard. These two objects have made it necessary to place before the reader with some fulness the political careers of the speakers and the political questions at issue when the speeches were made. The illustrative notes at the end of the volumes are designed simply to assist the

reader in understanding such statements and allusions as might otherwise be obscure.

I cannot submit these volumes to the public without expressing the hope that they will in some small measure at least contribute to a juster appreciation of that liberty which we enjoy, and to a better understanding of the arduous means by which free political institutions have been acquired.

C. K. A.

UNIVERSITY OF MICHIGAN, ANN ARBOR,
November 22, 1884.

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SIR JOHN ELIOT.

DURING the second half of the sixteenth century and the first half of the seventeenth, the political and religious energies of Europe were very largely devoted to the settlement of questions that had been raised by that great upheaval known as the Protestant Reformation. On the Continent a reaction had almost everywhere set in. Not only were the new religious doctrines very generally stifled, but even those political discontents which seemed to follow as an inseparable consequence of the religious movement, were put down with a rigorous hand. The general tendency was toward the establishment of a firmer absolution both in Church and in State.

But in England this tendency was arrested. It was the good fortune of the nation to have a

monarch upon the throne who vigorously resisted every foreign attempt to interfere with English affairs. It was doubtless the political situation rather than earnestness of religious conviction that led Elizabeth to make the Church of England independent of the Church of Rome. But in securing political independence she also secured the success of the Reformation. Doubtless she was neither able nor inclined to resist the prevailing tendency toward political absolutism; but it had been indispensable to her success that she should enlist in the cause of religious and political independence all the powers of the nation. However, as soon as independence was established by the destruction of the Spanish Armada, it became evident that there was another question to be settled of not less significance. That question was whether the English Constitution was to be developed in the direction of its traditional methods, or whether the government and people should adopt the reactionary methods that were coming to be so generally accepted on the



SIR JOHN ELIOT.
From a painting.

Continent. It took a century of strife to answer the question. The struggle did not become earnest during the reign of Elizabeth, but it cost Charles I. his head, and the Stuart dynasty its right to the throne. For three generations the kings were willing to stake every thing in favor of the Continental policy, while Parliament was equally anxious to maintain the traditional methods. It was unavoidable that a conflict should ensue; and the Great Revolution of the seventeenth century was the result.

James I., during the whole of his reign, showed a disposition to override whatever principles of the Constitution stood in the way of his personal power. Charles I. was a man of stronger character than his father, and he brought to the service of the same purpose a greater energy and a more determined will. As soon as he ascended the throne in 1625, it began to look as though a contest would be inevitable between royal will on the one hand and popular freedom on the other. The King,

determined to rule in his own way, not only questioned the right of Parliament to inquire into grievances, but even insisted upon what he regarded as his own right to levy money for the support of the Government without the consent of Parliament. This determination Parliament was disposed to question, and in the end to resist.

Under the maxim of the English Government, that "the King can do no wrong," there is but one way of securing redress, in case of an undue exercise of royal power. As the Constitution presumes that the King never acts except under advice, his ministers, as his constitutional advisers, may be held responsible for all his acts. The impeachment of ministers, therefore, is the constitutional method of redress. It was the method resorted to in 1626. Articles of Impeachment were brought by the House of Commons against the King's Prime Minister and favorite, the Duke of Buckingham.

One of the most prominent members of Parliament, and the foremost orator of the day

was Sir John Eliot. This patriot, born in 1590, and consequently now thirty-six years of age, was appointed by the Commons one of the managers of the impeachment. With such skill and vigor did he conduct the prosecution against Buckingham, that the king determined to put a stop to the impeachment by ordering Eliot's arrest and imprisonment. Eliot was thrown into the Tower; but the Commons regarded the arrest as so flagrant a violation of the rights of members that they immediately resolved "not to do any more business till they were righted in their privileges." The King, in view of this unexpected evidence of spirit on the part of the Commons, deemed it prudent to relent. Eliot was discharged; and the Commons, on his triumphal reappearance in the House, declared by vote "that their managers had not exceeded the commission entrusted to them."

Thus the first triumph in the contest was gained by the Commons. But the King was not unwilling to resort to even more desperate

measures. He determined to raise money independently of Parliament, and, if Parliament should continue to pry into the affairs of his minister, to dispense with Parliament almost or quite altogether. This desperate determination he undertook to carry out chiefly by the raising of forced loans and the issuing of monopolies. But here again the King met with a more strenuous opposition than he had anticipated. Eliot and Hampden, with some seventy-six other members of the English gentry refused to make the contribution demanded. As such defiance threatened to break down the whole system, the King was forced either to resort to extreme measures or to abandon his method. He resolved upon the former course, but he was forced to the latter. He threw Eliot and Hampden into prison; but the outcry of the people was so great and so general that the necessary money could not be raised, and so he was obliged to call his third Parliament. Eliot and Hampden, though in prison, were elected members; and the King, not deeming it pru-

dent to retain them, ordered their release a few days before the opening of the session.

The special object for which Parliament had been called by the King was the granting of money; but the members were in no mood to let the opportunity pass without securing from the monarch an acknowledgment of their rights in definite form. Accordingly, they appointed Sir Edward Coke, the most distinguished lawyer of the time, to draw up a petition to the King that should embody a declaration of the constitutional privileges on which they reposed their rights. The result was the famous "Petition of Right," an instrument which, in the history of English liberty, has been only second in importance to the Great Charter itself. The petition asked the King's assent to a number of propositions, the most important of which were that no loan or tax should be levied without the consent of Parliament; that no man should be imprisoned except by legal process; and that soldiers should not be quartered upon the people without the people's consent. These

propositions introduced nothing new into the Constitution. They professed simply to ask the King's approval of principles and methods that had been acknowledged and acted upon for hundreds of years. The great significance of the Petition of Right was that it designed to secure the assent of the monarch to a reign of law instead of a reign of arbitrary will. The object of Parliament was to put into definite form a clear expression of the King's purpose. They desired to know whether his intention was to rule according to the precedents of the English Constitution that had been taking definite form for centuries, or whether, on the contrary, he was determined to build up a system of absolutism similar to that which was very generally coming to prevail on the Continent. The petition passed the two Houses and went to the King for his approval. He gave an evasive answer.[1] * Parliament was taken by surprise and seemed likely to be baffled. It was

* Numerals inserted in the course of the work refer the reader to corresponding Illustrative Notes at the end of each volume.

a crisis of supreme danger. Sir John Eliot was the first to see that if they were now to thwart the King's purpose it must be done by availing themselves immediately of the responsibility of Buckingham. He determined that the proper course was a remonstrance to the King; and it was in moving this remonstrance that his great speech was made.

On hearing the King's answer, Parliament, in great perplexity and despondency, immediately adjourned till the next day. When, on the morning of June 3, 1628, the Commons came together, "the King's answer," says Rushworth, "was read, and seemed too scant, in regard to so much expense, time, and labor as had been expended in contriving the petition. Whereupon Sir John Eliot stood up and made a long speech, and a lively representation of all grievances, both general and particular, as if they had never before been mentioned." [2]

Throughout the speech there is a compactness and an impetuosity truly remarkable. No one at all familiar with the history and condi-

tion of the time, will fail to see that it was a masterly presentation of the issues at stake. It is pervaded with a tone of loyalty—even of affection—toward the King. The argument was founded on the theory that even under the best of kings, with an irresponsible form of administration, there can be no security against selfish and ambitious ministers, and that under any government whatever there can be no adequate guarantees against such abuses except in the provisions of law. The orator introduces no grievance personal to himself, though he had already twice suffered imprisonment for words spoken in debate. His entire object seems to have been to expose abuses that had oppressed the people during the ten years under Buckingham's rule, and to show how, by means of his duplicity and incompetency, the honor of the country had been sacrificed, its allies betrayed, and those necessities of the King created which gave rise to the abuses complained of in the Petition of Right.

Aside from the striking oratorical merits of the

speech and the light it throws on the all-important struggles of the time, there are two circumstances that tend to give it peculiar interest. It is the earliest parliamentary speech of real importance that has been preserved to us. The age in which it was delivered is enough to account for the antique air of the orator's style —a style, however, which will be especially relished by all those who have learned to enjoy the quaint literary flavor of our early masters of English prose. The other circumstance of especial interest is the fact that soon after the delivery of the speech, and in consequent of it, Eliot was thrown into prison, where, after an ignominious confinement and a brutal treatment of two and a half years, he died a martyr's death. His earnest plea not only cost him his life, but it cost him a long period of ignominy that was far worse than death. But he kept the faith, and calmly underwent his slow martyrdom. The last word that he sent out from his prison was an expression of belief that upon the maintenance or the abandonment of the

privileges of Parliament would depend the future glory or misery of England. By the ability of his advocacy, by the constancy of his purpose, and by the manner of his death, he fully deserved that the author of the "Constitutional History of England" should call him, as he does, "the most illustrious confessor in the cause of liberty whom that time produced."

SIR JOHN ELIOT.

ON THE CONDITION OF ENGLAND UNDER THE DUKE OF BUCKINGHAM, DELIVERED IN THE HOUSE OF COMMONS, JUNE 3, 1628.

MR. SPEAKER:

We sit here as the great council of the King, and, in that capacity it is our duty to take into consideration the state and affairs of the kingdom; and, where there is occasion, to give them in a true representation by way of council and advice, what we conceive necessary or expedient for them.

In this consideration, I confess, many a sad thought has frighted me: and that not only in respect of our dangers from abroad, which yet I know are great, as they have been often in this place prest and dilated to us; but in respect of our disorders here at home, which do inforce those dangers, as by them they were occasioned.

For I believe I shall make it clear unto you,

that as at first the causes of those dangers were our disorders, our disorders still remain our greatest dangers. It is not now so much the potency of our enemies, as the weakness of ourselves, that threatens us; and that saying of the Father may be assumed by us, *Non tam potentia sua quam negligentia nostra.* Our want of true devotion to Heaven, our insincerity and doubling in religion, our want of councils, our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruption of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasures, the waste of our provisions, consumption of our ships, destruction of our men!—These make the advantage to our enemies, not the reputation of their arms. And if in these there be not reformation, we need no foes abroad! Time itself will ruin us.

You will all hold it necessary that what I am about to urge seem not an aspersion on the state or imputation on the government, as I have known such mentions misinterpreted. Far is it from me to purpose this, that have none but clear thoughts of the excellency of his

Majesty, nor can have other ends but the advancement of his glory.

To shew what I have said more fully, therefore, I shall desire a little of your patience extraordinary to open the particulars: which I shall do with what brevity I may, answerable to the importance of the cause and the necessities now upon us; yet with such respect and observation to the time as I hope it shall not be thought too troublesome.

For the first, then, our insincerity and doubling in religion, the greatest and most dangerous disorder of all others, which has never been unpunished, and for which we have so many strange examples of all states and in all times to awe us,—what testimony does it want? Will you have authority of books? look on the collections of the committee for religion, there is too clear an evidence. Will you have records? see then the commission procured for composition with the papists in the North? Note the proceedings thereupon. You will find them to little less amounting than a toleration in effect, though upon some slight payments; and the easiness in *them* will likewise shew the favor that 's intended. Will you have proofs of men? witness the hopes, witness the

presumptions, witness the reports of all the papists generally. Observe the dispositions of commands, the trust of officers, the confidence of secrecies of employments, in this kingdom, in Ireland, and elsewhere. They all will shew it has too great a certainty. And, to these, add but the incontrovertible evidence of that all-powerful hand which we have felt so sorely, to give it full assurance! For as the Heavens oppose themselves to us, it was our impieties that first opposed the Heavens.

For the second, our want of councils, that great disorder in a State with which there cannot be stability,[8] if effects may shew their causes, as they are often a perfect demonstration of them, our misfortunes, our disasters, serve to prove it! And (if reason be allowed in this dark age, by the judgment of dependencies, the foresight of contingencies, in affairs) the consequences they draw with them confirm it. For, if we view ourselves at home, are we in strength, are we in reputation, equal to our ancestors? If we view ourselves abroad, are our friends as many, are our enemies no more? Do our friends retain their safety and possessions? Do our enemies enlarge themselves, and gain from them and us? What council, to the loss of the

Palatinate,[4] sacrificed both our honor and our men sent thither; stopping those greater powers appointed for that service, by which it might have been defensible? What council gave directions to that late action whose wounds lie yet a bleeding? I mean the expedition unto Rhée,[5] of which there is yet so sad a memory in all men! What design for us, or advantage to our State, could that work import? You know the wisdom of our ancestors, the practice of their times; and how they preserved their safeties! We all know, and have as much cause to doubt as they had, the greatness and ambition of that kingdom, which the old world could not satisfy! Against this greatness and ambition we likewise know the proceedings of that princess, that never to be forgotten excellence, Queen Elizabeth; whose name, without admiration, falls not into mention with her enemies. You know how she advanced herself, how she advanced this kingdom, how she advanced this nation, in glory and in State; how she depressed her enemies, how she upheld her friends; how she enjoyed a full security, and made them then our scorn, who now are made our terror![6]

Some of the principles she built on, were

these; and if I be mistaken, let reason and our statesmen contradict me.

First, to maintain, in what she might, a unity in France, that that kingdom, being at peace within itself, might be a bulwark to keep back the power of Spain by land. Next, to preserve an amity and league between that State and us; that so we might join in aid of the Low Countries, and by that means receive their help and ships by sea.

Then, that this treble cord, so wrought between France, the States, and us, might enable us, as occasion should require, to give assistance unto others; by which means, the experience of that time doth tell us, we were not only free from those fears that now possess and trouble us, but then our names were fearful to our enemies. See now what correspondence our action hath had with this.

Square it by these rules. It did induce as a necessary consequence the division in France between the Protestants and their king, of which there is too woeful, too lamentable an experience. It has made an absolute breach between that State and us; and so entertains us against France, France in preparation against us, that we have nothing to promise to our neighbors,

hardly for ourselves. Nay, but observe the time in which it was attempted, and you shall find it not only varying from those principles, but directly contrary and opposite *ex diametro* to those ends; and such as from the issue and success rather might be thought *a conception of Spain than begotten here with us.**

Mr. Speaker, I am sorry for this interruption, but much more sorry if there have been occasion; wherein, as I shall submit myself wholly to your judgment to receive what censure you

* This allusion or insinuation of Eliot's provoked an instantaneous uproar. Buckingham had visited the Courts of Spain and France, and his name had been associated with discreditable intrigues. In the streets of London there had been talk of "treasonable correspondence," and of "a sacrifice to vanity or passion of the most sacred duties of patriotism." When Eliot, therefore, alluded to the act of England as springing from the "conception of Spain," he struck a sensitive spot. The Chancellor, Sir Humphrey May, sprang to his feet, and exclaimed: "Sir, this is strange language. It is arraigning the Council." But a general shout arose demanding that Eliot should go on. Then the Chancellor said: "If Sir John Eliot is to go on, I claim permission to go out." In an instant, the Sergeant, by order of the House, opened the door, and, according to testimony of Alured, who was present, "they all bade him begone! Yet he stayed, and heard Sir John out." It is evident from this incident that Eliot had the sympathies of the House in his firm grasp. When quiet was restored, Sir John resumed his argument.

shall give me if I have offended, so in the integrity of my intentions, and clearness of my thoughts, I must still retain this confidence, that no greatness may deter me from the duties which I owe to the service of the country, the service of the King. With a true English heart, I shall discharge myself as faithfully and as really, to the extent of my poor powers, as any man whose honors or whose offices most strictly have obliged him.

You know the dangers Denmark was then in, and how much they concerned us; what in respect of our alliance with that country, what in the importance of the Sound; what an acquisition to our enemies the gain thereof would be, what loss, what prejudice to us! By this division, we, breaking upon France, France being engaged by us, and the Netherlands at amazement between both, neither could intend to aid that luckless King whose loss is our disaster.

Can those now, that express their troubles at the hearing of these things, and have so often told us in this place of their knowledge in the conjunctures and disjunctures of affairs, say they advised in this? Was *this* an act of council, Mr. Speaker? I have more charity than to think it; and unless they make a confession of themselves, I cannot believe it.[7]

What shall I say? I wish there were not cause to mention it; and, but out of apprehension of the danger that is to come if the like choice hereafter be not now prevented, I could willingly be silent. But my duty to my Sovereign and to the service of this House, the safety and the honor of my country, are above all respects; and what so nearly trenches to the prejudice of these, may not, shall not, be forborne.

At Cadiz,[8] then, in that first expedition we made, when they arrived and found a conquest ready (the Spanish ships, I mean), fit for the satisfaction of a voyage, and of which some of the chiefs then there have since themselves assured me the satisfaction would have been sufficient, either in point of honor, or in point of profit. Why was it neglected? Why was it not achieved? it being of all hands granted how feasible it was.

Afterward, when, with the destruction of some men, and the exposure of some others (who, though their fortunes have not since been such, then by chance came off), when, I say, with the losses of our serviceable men, that unserviceable fort was gained, and the whole army landed, why was there nothing done,

nothing once attempted? If nothing were intended, wherefore did they land? If there were a service, why were they shipped again?

Mr. Speaker, it satisfies me too much in this, when I think of their dry and hungry march unto that drunken quarter (for so the soldiers termed it) where was the period of their journey, that divers of our men being left as a sacrifice to the enemy, that labor was at an end.

For the next undertaking, at Rhée, I will not trouble you much; only this in short: Was not that whole action carried against the judgment and opinion of the officers? those that were of council? Was not the first, was not the last, was not all, in the landing, in the intrenching, in the continuance there, in the assault, in the retreat? Did any advice take place of such as were of the council? If there should be a particular disquisition thereof, these things would be manifest, and more. I will not instance now the manifestation that was made for the reason of these arms; nor by whom, nor in what manner, nor on what grounds it was published; nor what effects it has wrought, drawing, as you know, almost all the whole world into league against us! Nor will I mention the leaving of the mines,

the leaving of the salt, which were in our possession; and of a value as it is said, to have answered much of our expense. Nor that great wonder, which nor Alexander nor Cæsar ever did, the enriching of the enemy by courtesies when the soldiers wanted help! nor the private intercourses and parlies with the fort, which continually were held. What they intended may be read in the success, and upon due examination thereof they would not want the proofs. For the last voyage to Rochelle, there needs no observation; it is so fresh in memory. Nor will I make an inference or corollary on all. Your own knowledge shall judge what truth, or what sufficiency they express.

For the next, the ignorance or corruption of our ministers, where can you miss of instances? If you survey the court, if you survey the country, if the church, if the city be examined; if you observe the bar, if the bench; if the courts, if the shipping; if the land, if the seas; all these will render you variety of proofs. And in such measure and proportion as shows the greatness of our sickness, that if it have not some speedy application for remedy, our case is most desperate.

Mr. Speaker, I fear I have been too long in these particulars that are past, and am unwilling to offend you; therefore in the rest I shall be shorter. And in that which concerns the impoverishing of the King, no other arguments will I use than such as all men grant.

The exchequer you know is empty, the reputation thereof gone! The ancient lands are sold, the jewels pawned, the plate engaged, the debt still great, and almost all charges, both ordinary and extraordinary, borne by projects! What poverty can be greater? What necessity so great? What perfect English heart is not almost dissolved into sorrow for the truth?

For the oppression of the subject, which, as I remember, is the next particular I proposed, it needs no demonstration. The whole kingdom is a proof. And for the exhausting of our treasures, that oppression speaks it. What waste of our provisions, what consumption of our ships, what destruction of our men, have been,—witness the journey to Algiers![9] Witness that with Mansfield! Witness that to Cadiz! Witness the next! Witness that to Rhée! Witness the last! (And I pray God we may never have more such witnesses.) Witness likewise the Palatinate! Witness

Denmark! Witness the Turks! Witness the Dunkirkers! *Witness all!* What losses we have sustained! How we are impaired in munition, in ships, in men! It has no contradiction! We were never so much weakened, nor had less hope how to be restored!

These, Mr. Speaker, are our dangers; these are they do threaten us, and are like that Trojan horse brought in cunningly to surprise us! For in these do lurk the strongest of our enemies ready to issue on us; and if we do not now the more speedily expel them, these will be the sign and invitation to the others. They will prepare such entrance that we shall have no means left of refuge or defence; for if we have these enemies at home, how can we strive with those that are abroad? But if we be free from these, no others can impeach us! Our ancient English virtue, that old Spartan valor, cleared from these disorders; being in sincerity of religion once made friends with Heaven; having maturity of councils, sufficiency of generals, incorruption of officers, opulency in the king, liberty in the people, repletion in treasures, restitution of provisions, reparation of ships, preservation of men—our ancient English virtue, I say thus rectified, will secure us.

But unless there be a speedy reformation in

these, I know not what hope or expectation we may have.

These things, sir, I shall desire to have taken into consideration. That as we are the great council of the kingdom, and have the apprehension of these dangers, we may truly represent them to the King; wherein I conceive we are bound by a treble obligation of duty unto God, of duty to his Majesty, and of duty to our country.

And therefore I wish it may so stand with the wisdom and judgment of the house, that they may be drawn into the body of a *Remonstrance*, and there with all humility expressed; with a prayer unto his Majesty, that for the safety of himself, for the safety of the kingdom, for the safety of religion, he will be pleased to give us time to make perfect inquisition thereof; or to take them into his own wisdom and there give them such timely reformation as the necessity of the cause, and his justice do import. And thus, sir, with a large affection and loyalty to his Majesty, and with a firm duty and service to my country, I have suddenly, and it may be with some disorder, expressed the weak apprehensions I have, wherein if I have erred, I humbly crave your pardon, and so submit it to the censure of the House.

JOHN PYM.

WHEN the English Parliament of 1628 came together, the King told them: "If you do not your duty, mine would then order me to use those other means which God has put into my hand." Charles's notion of Parliamentary duty was simply that the members should vote necessary supplies, and then leave the expenditures to the royal will. Parliament, however, insisted upon some assurances that abuses would not be repeated. The Petition of Right, as we saw in our account of Eliot, was the result. Though the King was obliged to give his assent to the petition, it soon became evident that he had no intention to carry out its provisions either in the letter or in the spirit. The liberal supplies granted by Parliament after the signing of the petition were soon exhausted. Every expe-





dient of economy was resorted to in order to avoid the necessity of calling another Parliament.

At first there was perhaps no clearly defined purpose to cause any positive breach of constitutional obligation, but gradually the government drifted into a policy of the most flagrant oppression. No Parliament was called for eleven years. The powers of the prerogative were strained at every point. Knighthood was forced on the gentry in order that large sums might be extorted as the price of composition. Enormous fines were levied for removing defects in title deeds. Large sums were exacted of landowners for encroachments on the crown lands. London, in consequence of its open sympathy with the Parliamentary cause, became a special object of royal dislike. An edict was issued prohibiting the enlargement of the metropolis; and large districts in the suburbs were saved from demolition only by the payment of three years' rental to the royal treasury. The powers of the Court of Star

John Pym

From a miniature by Cooper.



Chamber were applied to the trying of causes on the simple information of the King's attorney, and the court was authorized to adjudge any punishment short of death. Under its jurisdiction enormous fines were levied for the most trifling offences. A simple brawl between two wealthy lords had to be atoned for by the payment of £5,000, and more than twice that sum was exacted of a gentleman as a fine for contracting marriage with his niece. Monopolies, which had been formally abandoned both by Elizabeth and by James, were now revived in direct and open violation of the Petition of Right, in order that large sums might be realized from the persons receiving the privileges bestowed by the concession. Nearly every article of domestic necessity had to be procured directly or indirectly from some monopolist; and, consequently, the expense of living was very greatly increased. Customs duties were levied just as if they had been voted by Parliament, and after a time writs were issued for a general levy of benevolences from the

shires. Thus, one by one, even the most flagrant of the abuses he had promised to abolish, were resorted to without hesitation and without scruple.

Not less flagrant were the abuses of a religious nature. The Commons, in the last moments of the session of 1629, had resolved that "whoever should bring in innovations in religion," as well as "whoever advised the levy of subsidies not granted in Parliament," was to be regarded as "a capital enemy of the kingdom and commonwealth." And yet it was to "bring in innovations in religion" that the energies of the English church were now chiefly directed. At the head of the church was Archbishop Laud, whose determination was "to raise the Church of England to what he conceived to be its real position as a branch, though a reformed branch, of the great Catholic church throughout the world." He protested alike against the innovations of Rome and the innovations of Calvin. In his view the Episcopal succession was the essence of the church; and, therefore,

when the Lutheran and Calvanistic churches rejected the office of Bishop, they "ceased to be churches at all." As he rejected the church of the reformers, and as he acknowledged Rome as a true branch of the church, he drew constantly nearer to Rome, and removed further and further from the doctrines of the Reformers. In all parts of England ministers who refused to conform were expelled from their cures. It was this aggressive and revolutionary policy that drove thousands of Puritans to New England. Three thousand emigrants left England in a single year; and during the period between 1629 and 1640 no less than about twenty thousand Puritans found a refuge in the New World.

In Scotland resistance to the innovations of Laud took a more active turn. Royal proclamation had been made, reinstating the Episcopal forms; but when the Dean of Edinburgh opened the new Prayer Book, a murmur of discontent ran through the congregation, and a stool, hurled by one of the members, felled him

to the ground. Petitions for the removal of the Prayer Book were showered in upon the court. Various writers were dragged before the Star Chamber and branded as "trumpets of sedition." To a petition presented by the Duke of Hamilton the King replied: "I will rather die than yield to these impertinent and damnable demands." Of these seething discontents, what is sometimes called the "Bishops' War" was the result. The King was determined to suppress opposition by force of arms, and for that purpose he committed the fatal error of calling over Strafford from Ireland. Scotland at once arose to resist him, while at his back all England was at the point of revolt. A London mob burst into the Bishop's palace at Lambeth, and then proceeded to break up the sittings of the High Commission at St. Paul's. Charles, finding the army in no condition to cope with the discontents of the time, at length, with great reluctance, yielded to his advisers, and once more summoned the Houses of Parliament.

In April of 1640, the newly-elected members

came together. During the eleven years that had elapsed since the dismissal of the Parliament of 1629, many of the old leaders had passed away. Sir Edward Coke and Sir Robert Philips were dead, and Eliot had perished as a martyr in prison. But in the meantime a new leader had appeared. By the consent of all, that distinction was now held by John Pym. This gentleman, now fifty-four years of age, had been the companion of Eliot in the third Parliament of Charles, and, next to Eliot and Wentworth, had been acknowledged the most effective speaker in that body. But in the course of the past eleven years his talents and his energy had caused him everywhere to be hailed as the popular leader. He was a gentleman of good family, a graduate of Oxford, and an Episcopalian in religion. His influence was probably all the greater because he did not belong to the extreme party. We are told that he was no fanatic, that he was genial and even convivial in his nature. He has been called by Mr. Forster the first great popular organizer in

English politics. In company with Hampden he rode through several of the English counties, as Anthony Wood states, "with a view of promoting elections of the puritanical brethren." He urged the people to meet and send petitions to Parliament, and by him the custom of petitioning was first organized into a system. When the new House of Commons was called to order every one looked to Pym as by a common instinct for guidance.

The speech with which Pym responded to this expectation is doubtless one of the most remarkable in the history of British eloquence. It abounds in passages which, for weight of argument and closeness of reasoning, remind one of the compositions of Lord Bacon. Throughout the whole there is a precision of statement, and a gravity of manner that show plainly enough that he was not unconscious of the responsibility that rested upon him. The speech has been a matter of general comment with all the historians of the period, for there is abundant evidence of its extraordinary influ-

ence on Parliament and on the people of England. And yet, until within a few years, no complete copy of it was known to be in existence. Several mutilated versions were published in the seventeenth century, but these conveyed a very imperfect impression of its power. Mr. May, the historian of the Long Parliament says that "Mr. Pym, a grave and religious gentleman, in a long speech of almost two hours, recited a catalogue of grievances which at that time lay heavy on the commonwealth, of which many abbreviated copies, as extracting the heads only, were with great greediness taken by gentleman and others throughout the kingdom, for it was not then the fashion to print speeches in Parliament." These "abbreviated copies" "of heads only," were until recently supposed to be the only reports of the speech in existence. But Mr. Forster, when writing his Life of Pym, was led to institute a careful search among the world of papers in the British Museum; and his effort was rewarded with success. He discovered a report

of the speech with corrections by Pym's own hand. This version, corrected by the orator himself, is the one here reproduced. It is somewhat abridged by Mr. Forster; and the report given in the third person is preserved. In unabbreviated form it has never been published.

JOHN PYM.

ON THE SUBJECT OF GRIEVANCES IN THE REIGN OF CHARLES I. HOUSE OF COMMONS. APRIL 5, 1640.

After an interval of eleven years since the dissolution of the Third Parliament of Charles I., the Fourth or Short Parliament was opened by the King on the 3d of April, 1640. In his opening speech, Charles simply said: "My Lords and Gentlemen: There never was a king that had a more great and weighty cause to call his people together than myself: I will not trouble you with the particulars. I have informed my Lord Keeper, and command him to speak, and desire your attention." After this short and ungracious declaration, the Lord Keeper proceeded to speak in a very lofty and absurd strain in regard to the Royal Prerogative, and ending with the admonition, "that his Majesty did not expect advice from them, much less that they should interfere in any office of mediation, which would not be grateful to him: but that they should, as soon as might be, give his Majesty a supply, and that he would give them time enough afterwards to represent grievances to him."

Two days later, as soon as Parliament assembled, a number of petitions were presented, "complaining of ship-money projects and monopolies, the star-chamber and high-commission courts and other grievances." Between the con-

sideration of these petitions and deference to the King's request to grant supplies at once, there was a hesitation; and it was of this sense of "divided duty" that Pym determined to avail himself. Clarendon says: "Whilst men gazed upon each other, looking who should begin (much the greater part having never before sat in Parliament) Mr. Pym, a man of good reputation, but much better known afterwards, who had been as long in these assemblies as any man then living, broke the ice, and in a set discourse of about two hours," addressed the House.

Never Parliament had greater business to dispatch, nor more difficulties to encounter; therefore we have reason to take all advantages of order and address, and hereby we shall not only do our own work, but dispose and inable ourselves for the better satisfaction of his Majesty's desire of supply. The grievances being removed, our affections will carry us with speed and cheerfulness, to give his Majesty that which may be sufficient both for his honor and support. Those that in the very first place shall endeavor to redress the grievances, will be found not to hinder, but to be the best furtherers of his Majesty's service. He that takes away weights, doth as much advantage motion, as he that addeth wings. Divers pieces of this main work have been already propounded; his endeavor should be to present to the House a model of the whole. In the crea-

tion, God made the world according to that idea or form which was eternally preëxistent in the Divine mind. Moses was commanded to frame the tabernacle after the pattern showed him in the mount. Those actions are seldom well perfected in the execution, which are not first well moulded in the design and proposition.

He said he would labor to contract those manifold affairs both of the Church and State, which did so earnestly require the wisdom and faithfulness of this House, into a double method of grievances and cures. And because there wanted not some who pretended that these things, wherewith the commonwealth is now grieved, are much for the advantage of the King, and that the redress of them will be to his Majesty's great disadvantage and loss, he doubted not but to make it appear, that in discovering the present great distempers and disorders, and procuring remedy for them, we should be no less serviceable to his Majesty, who hath summoned us to this great council than useful to those whom we do here represent. For the better effecting whereof, he propounded three main branches of his discourse. In the first, he would offer them the several

heads of some principal grievances, under which the kingdom groaned. In the second, he undertook to prove that the disorders from whence those grievances issued, were as hurtful to the King as to the people. In the third, he would advise such a way of healing, and removing those grievances, as might be equally effectual to maintain the honor and greatness of the King, and to procure the prosperity and contentment of the people.

In the handling whereof he promised to use such expressions as might mitigate the sharpness and bitterness of those things whereof he was to speak, so far as his duty and faithfulness would allow. It is a great prerogative to the King, and a great honor attributed to him, in a maxim of our law, that he can do no wrong; he is the fountain of justice; and, if there be any injustice in the execution of his commands, the law casts it upon the ministers, and frees the King.

Activity, life, and vigor are conveyed into the sublunary creatures by the influence of heaven; but the malignity and distemper, the cause of so many epidemical diseases, do proceed from the noisome vapors of the earth, or some ill-affected qualities of the air, without

any infection or alteration of those pure, celestial, and incorruptible bodies. In the like manner, he said, the authority, the power, and countenance of princes, may concur in the actions of evil men, without partaking in the injustice and obliquity of them. These matters whereof we complain, have been presented to his Majesty, either under the pretence of royal prerogatives, which he is bound to maintain, or of public good, which is the most honorable object of regal wisdom. But the covetous and ambitious designs of others have interposed betwixt his royal intentions and the happiness of his people, making those things pernicious and hurtful, which his Majesty apprehended as just and profitable.

He said, the things which he was to propound were of a various nature, many of them such as required a very tender and exquisite consideration. In handling of which, as he would be bold to use the liberty of the place and relation wherein he stood, so he would be very careful to express that modesty and humility which might be expected by those of whose actions he was to speak. And if his judgment or his tongue should slip into any particular mistake, he would not think it so great a shame

to fail by his own weakness as he should esteem it an honor and advantage to be corrected by the wisdom of that House to which he submitted himself, with this protestation, that he desired no reformation as much as to reform himself.

The greatest liberty of the kingdom is religion; thereby we are freed from spiritual evils, and no impositions are so grievous as those that are laid upon the soul.

The next great liberty is justice, whereby we are preserved from injuries in our persons and and estates; from this is derived into the commonwealth, peace, and order, and safety; and when this is interrupted, confusion and danger are ready to overwhelm all.

The third great liberty consists in the power and privilege of parliaments; for this is the fountain of law, the great council of the kingdom, the highest court; this is inabled by the legislative and conciliary power, to prevent evils to come; by the judiciary power, to suppress and remove evils present. If you consider these three great liberties in the order of dignity, this last is inferior to the other two, as means are inferior to the end; but, if you consider them in the order of necessity and use,

this may justly claim the first place in our care, because the end cannot be obtained without the means: and if we do not preserve this, we cannot long hope to enjoy either of the others. Therefore being to speak of those grievances which lie upon the kingdom, he would observe this order.

1. To mention those which were against the privilege of parliaments. 2. Those which were prejudicial to the religion established in the kingdom. 3. Those which did interrupt the justice of the realm in the liberty of our persons and propriety of our estates.

The privileges of Parliament were not given for the ornament or advantage of those who are the members of Parliament.[10] They have a real use and efficacy toward that which is the end of parliaments. We are free from suits that we may the more entirely addict ourselves to the public services; we have, therefore, liberty of speech, that our counsels may not be corrupted with fear, or our judgments perverted with self respects. Those three great faculties and functions of Parliament, the legislative, judiciary, and conciliary power,[11] cannot be well exercised without such privileges as these. The wisdom of our laws, the faithfulness of our

counsels, the righteousness of our judgments, can hardly be kept pure and untainted if they proceed from distracted and restrained minds.

It is a good rule of the moral philosopher,—*Et non lædas mentem gubernatricem omnium actionum.* These powers of Parliament are to the body politic as the rational faculties of the soul to a man; that which keeps all the parts of the commonwealth in frame and temper, ought to be most carefully preserved in that freedom, vigor, and activity, which belongs to itself. Our predecessors in this House have ever been most careful in the first place to settle and secure their privileges; and he hoped, that we, having had greater breaches made upon us than heretofore, would be no less tender of them, and forward in seeking reparation for that which is past, and prevention of the like for the time to come.

Then he propounded divers particular points wherein the privileges of Parliament had been broken. First, in restraining the members of the House from speaking. Secondly, in forbidding the Speaker to put any question.

These two were practiced the last day of the last Parliament (and, as was alleged, by his Majesty's command); and both of them trench

upon the very life and being of parliaments; for if such a restraining power as this should take root, and be admitted, it will be impossible for us to bring any resolution to perfection in such matters as shall displease those about the King.[12]

Thirdly, by imprisoning divers members of the House, for matters done in Parliament. Fourthly, by indictments, informations, and judgments in ordinary and inferior courts, for speeches and proceedings in parliaments. Fifthly, by the disgraceful order of the King's bench, whereby some members of this House were enjoined to put in security of their good behaviour; and for refusal thereof, were continued in prison divers years, without any particular allegation against them. One of them was freed by death. Others were not dismissed till his Majesty had declared his intention to summon the present Parliament. And this he noted not only as a breach of privilege, but as a violation of the common justice of the kingdom. Sixthly, by the sudden and abrupt dissolution of parliaments, contrary to the law and custom.

Often hath it been declared in parliaments, that the Parliament should not be dissolved,

till the petitions be answered. This (he said) was a great grievance because it doth prevent the redress of other grievances. It were a hard case that a private man should be put to death without being heard. As this representative body of the Commons receives a being by the summons, so it receives a civil death by the dissolution. Is it not a much more heavy doom by which we lose our being, to have this civil death inflicted on us in displeasure, and not to be allowed time and liberty to answer for ourselves? That we should not only die, but have this mark of infamy laid upon us? to be made intestabiles, disabled to make our wills, to dispose of our business, as this House hath always used to do before adjournments or dissolutions? Yet this hath often been our case! We have not been permitted to pour out our last sighs and groans into the bosom of our dear sovereign. The words of dying men are full of piercing affections; if we might be heard to speak, no doubt we should so fully express our love and faithfulness to our prince, as might take off the false suggestions and aspersions of others; at least we should in our humble supplications recommend some such things to him in the name of his people, as

would make for his own honor, and the public good of his kingdom.

Thus he concluded the first sort of grievances, being such as were against the privilege of Parliament, and passed on to the next, concerning religion; all which he conveyed under these four heads. The first, was the great encouragement given to popery, of which he produced these particular evidences. 1. A suspension of all laws against papists, whereby they enjoy a free and almost public exercise of that religion. Those good statutes which were made for restraint of idolatry and superstition, are now a ground of security to them in the practice of both; being used to no other end but to get money into the King's purse; which as it is clearly against the intentions of the law, so it is full of mischief to the kingdom. By this means a dangerous party is cherished and increased, who are ready to close with any opportunity of disturbing the peace and safety of the State. Yet he did not desire any new laws against popery, or any rigorous courses in the execution of those already in force; he was far from seeking the ruin of their persons or estates; only he wished they might be kept in such a condition as should restrain them from doing hurt.[18]

It may be objected, there are moderate and discreet men amongst them, men of estates, such as have an interest in the peace and prosperity of the kingdom as well as we. These (he said) were not to be considered according to their own disposition, but according to the nature of the body whereof they are parties. The planets have several and particular motions of their own, yet they are all rapt and transported into a contrary course by the superior orb which comprehends them all. The principles of popery are such as are incompatible with any other religion. There may be a suspension of violence for some by certain respects; but the ultimate end even of that moderation is, that they may with more advantage extirpate that which is opposite to them. Laws will not restrain them. Oaths will not. The Pope can dispense with both these, and where there is occasion, his command will move them to the disturbance of the realm—against their own private disposition — yea, against their own reason and judgement—to obey him ; to whom they have (especially the Jesuitical party) absolutely and entirely obliged themselves, not only in spiritual matters, but in temporal, as they are in order *ad spiritualia.* Henry III. and Henry

IV. of France were no Protestants themselves, yet were murthered because they tolerated Protestants. The King and the kingdom can have no security but in their weakness and disability to do hurt.

2. A second encouragement is, their admission into places of power and trust in the Commonwealth, whereby they get many dependents and adherents, not only of their own, but even of such as make profession to be Protestants.

3. A third, their freedom of resorting to London and the court, whereby they have opportunity, not only of communicating their counsels and designs, one to another, but of diving into his Majesty's counsels, by the frequent access of those who are active men amongst them, to the tables and company of great men; and under subtle pretences and disguises they want not means of cherishing their own projects, and of endeavoring to mould and bias the public affairs to the great advantage of that party.

4. A fourth, that as they have a congregation of cardinals at Rome, to consider of the aptest ways and means of establishing the Pope's authority and religion in England, so they have a nuncio here, to act and dispose

that party to the execution of those counsels, and, by the assistance of such cunning and Jesuitical spirits as swarm in this town, to order and manage all actions and events, to the furtherance of that main end.[14]

The second grievance of religion, was from those manifold innovations lately introduced into several parts of the kingdom, all inclining to popery, and disposing and fitting men to entertain it. The particulars were these: 1. Divers of the chiefest points of religion in difference betwixt us and the papists have been publicly defended, in licensed books, in sermons, in university acts and disputations. 2. Divers popish ceremonies have been not only practised but countenanced, yea, little less than enjoined, as altars, images, crucifixes, bowings, and other gestures and observances, which put upon our churches a shape and face of popery. He compared this to the dry bones in Ezekiel. First, they came together; then the sinews and the flesh came upon them; after this the skin covered them; and then breath and life was put into them! So (he said) after these men had moulded us into an outward form and visage of popery, they would more boldly endeavor to breathe into us the spirit of life and popery.

The third grievance was the countenancing and preferring those men who were most forward in setting up such innovations; the particulars were so well known that they needed not to be named.[15]

The fourth was, the discouragement of those who were known to be most conscionable and faithful professors of the truth. Some of the ways of effecting this he observed to be these: 1. The courses taken to enforce and enlarge those unhappy differences, for matters of small moment, which have been amongst ourselves, and to raise up new occasions of further division, whereby many have been induced to forsake the land, not seeing the end of those voluntary and human injunctions in things appertaining to God's worship. Those who are indeed lovers of religion, and of the churches of God, would seek to make up those breaches, and to unite us more entirely against the common enemy. 2. The over rigid prosecution of those who are scrupulous in using some things enjoined, which are held by those who enjoin them, to be in themselves indifferent. It hath been ever the desire of this House, expressed in many parliaments in Queen Elizabeth's time and since, that such might be tenderly used.

It was one of our petitions delivered at Oxford to his Majesty that now is; but what little moderation it hath produced is not unknown to us all! Any other vice almost may be better endured in a minister than inconformity. 3. The unjust punishments and vexations of sundry persons for matters required without any warrant of law: as, for not reading the book concerning recreation on the Lord's day [16]; for not removing the communion table to be set altarwise at the east end of the chancel; for not coming up to the rails to receive the sacrament; for preaching the Lord's day in the afternoon; for catechising in any other words and manner than in the precise words of the short catechism in the common prayer-book.

The fifth and last grievance concerning religion, was the encroachment and abuse of ecclesiastical jurisdiction. The particulars mentioned were these: 1. Fining and imprisoning in cases not allowed by law. 2. The challenging their jurisdiction to be appropriate to their order, which they allege to be *jure divino*. 3. The contriving and publishing of new articles, upon which they force the churchwardens to take oaths, and to make inquiries and present-

ments, as if such articles had the force of canons; and this was an effect of great presumption and boldness, not only in the bishops, but in the archdeacons, officials, and chancellors, taking upon themselves a kind of synodal authority. The injunctions of this kind might, indeed, well partake in name with that part of the common law which is called the extravagants!

Having despatched these several points, he proceeded to the third kind of grievances, being such as are against the common justice of the realm, in the liberty of our persons, and propriety of our estates, of which he had many to propound: in doing whereof, he would rather observe the order of time, wherein they were acted, than of consequence; but when he should come to the cure, he should then persuade the House to begin with those which were of most importance, as being now in execution, and very much pressing and exhausting the commonwealth.

He began with the tonnage and poundage and other impositions not warranted by law; and because these burdens had long lain upon us, and the principles which produced them are the same from whence divers others are derived, he

thought it necessary to premise a short narrative and relation of the grounds and proceedings of the power of imposing herein practised.[17] It was a fundamental truth, essential to the constitution and government of this kingdom—an hereditary liberty and privilege of all the freeborn subjects of the land—that no tax, tallage, or other charge might be laid upon us, without common consent in Parliament. This was acknowledged by the Conquerro; ratified in that contract which he made with this nation, upon his admittance to the kingdom; declared and confirmed in the laws which he published. This hath never been denied by any of our kings—though broken and interrupted by some of them, especially by King John and Henry III. Then, again, it was confirmed by Mag. Chart., and other succeeding laws; yet not so well settled but that it was sometime attempted by the two succeeding Edwards, in whose times the subjects were very sensible of all the breaches made upon the common liberty, and, by the opportunity of frequent parliaments, pursued them with fresh complaints, and for the most part found redress, and procured the right of the subject to be fortified by new statutes.

He observed that those kings, even in the acts whereby they did break the law, did really affirm the subject's liberty, and disclaim that right of imposing which is now challenged: for they did usually procure the merchants' consent to such taxes as were laid, thereby to put a color of justice upon their proceeding; and ordinarily they were limited to a short time, and then propounded to the ratification of the Parliament, where they were cancelled or confirmed, as the necessity and state of the kingdom did require. But for the most part such charges upon merchandise were taken by authority of Parliament, and granted for some short time, in a greater or lesser proportion, as was requisite for supply of the public occasions —six or twelve in the pound, for one, two or three years, as they saw cause to be employed for the defence of the sea: and it was acknowledged so clearly to be in the power of Parliament, that they have sometimes been granted to noblemen, and sometimes to merchants, to be disposed for that use. Afterward they were granted to the King for life, and so continued for divers descents, yet still as a gift and grant of the Commons.

Betwixt the time of Edward III. and Queen

Mary, never prince (that he could remember) offered to demand any imposition but by grant in Parliament. Queen Mary laid a charge upon cloth, by the equity of the statute of tonnage and poundage, because the rate set upon wool was much more than upon cloth; and, there being little wool carried out of the kingdom unwrought, the Queen thought she had reason to lay on somewhat more; yet not full so much as brought them to an equality, but that still there continued a less charge upon wool wrought into cloth, than upon wool carried out unwrought; until King James' time when upon Nicholson's project, there was a further addition of charge, but still upon pretence of the statute, which is that we call the pretermitted custom.

In Queen Elizabeth's time, it is true, one or two little impositions crept in, the general prosperity of her reign overshadowing small errors and innovations. One of these was upon currants, by occasion of the merchants' complaints that the Venetians had laid a charge upon the English cloth, that so we might be even with them, and force them the sooner to take it off. But this being demanded by King James, was denied by one Bates, a merchant, and upon a

suit in the exchecquer, was adjudged for the King. Now the manner of that judgment was thus: There were then but three judges in that court, all differing from one another in the grounds of their sentences. The first was of opinion, the King might impose upon such commodities as were foreign and superfluous, as currants were, but not upon such as were native and to be transported, or necessary, and to be imported for the use of the kingdom. The second judge was of opinion, he might impose upon all foreign merchandise, whether superfluous or no, but not upon native. The third, that for as much as the King had the custody of the ports, and the guard of the seas, and that he might open and shut up the ports as he pleased, he had a prerogative to impose upon all merchandise, both exported and imported. Yet this single, distracted, and divided judgment, is the foundation of all the impositions now in practice; for, after this, King James laid new charges upon all commodities outward and inward, not limited to a certain time and occasion, but reserved to himself, his heirs and successors, forever,—the first impositions in fee-simple that were ever heard of in this kingdom. This judgment, and the right of imposing there-

upon assumed, was questioned in septimo and duodecimo[18] of that king, and was the cause of the breach of both those parliaments. In 18 and 21 Jacobi, indeed, it was not agitated by this House, but only that they might preserve the favor of the king, for the despatch of some other great businesses, upon which they were more especially attentive.[19] But in the first of his present Majesty, it necessarily came to be remembered, upon the proposition on the King's part, for renewing the bill of tonnage and poundage; yet so moderate was that Parliament, that they thought rather to confirm the impositions already set by a law to be made, than to abolish them by a judgment in Parliament; but that and divers ensuing parliaments have been unhappily broken, before that endeavor could be accomplished: only at the last meeting a remonstrance was made concerning the liberty of the subject in this point; and it hath always been expressed to be the meaning of the House, and so it was (as he said) his own meaning in the proposition now made, to settle and restore the right according to law, and not to diminish the king's profit, but to establish it by a free grant in Parliament.

However, since the breach of the last Parlia-

ment, his majesty hath, by a new book of rates, very much increased the burden upon merchandise, and now tonnage and poundage, old and new impositions, are all taken by prerogative, without any grant in Parliament, or authority of law, as we conceive; from whence divers inconveniences and mischiefs are produced. 1. The danger of the precedent, that a judgment in one court, and in one case, is made binding to all the kingdom. 2. Men's goods are seized, their legal suits are stopped, and justice denied to those that desire to take the benefit of the law. 3. The great sums of money received upon these impositions, intended for the guard of the seas, claimed and defended upon no ground but of public trust, for protection of merchants and defence of the ports, are dispersed to other uses, and a new tax raised for the same purposes. 4. These burdens are so excessive, that trade is thereby very much hindered, the commodities of our own growth extremely abased, and those imported much enhanced; all which lies not upon the merchant alone, but upon the generality of the subject; and by this means the stock of the kingdom is much diminished, our exportation being less profitable, and our importation more changeable. And if the wars

and troubles in the neighbor parts had not brought almost the whole stream of trade into this kingdom, we should have found many more prejudical effects of these impositions, long before this time, than yet we have done. Especially they have been insupportable to the poor plantations, whither many of his Majesty's subjects have been transported, in divers parts of the continent and islands of America, in furtherance of a design tending to the honor of the kingdom, and the enlargement of his Majesty's dominions. The adventurers in this noble work have for the most part no other support but tobacco, upon which such a heavy rate is set, that the King receives twice as much as the true value of the commodity to the owner. 5. Whereas these great burdens have caused divers merchants to apply themselves to a way of traffic abroad by transporting goods from one country to another, without bringing them home into England. But now it hath been lately endeavored to set an imposition upon this trade, so that the King will have a duty even out of those commodities which never come within his dominions, to the great discouragement of such active and industrious men.

The next general head of civil grievances, was enforcing men to compound for knighthood; which though it may seem past, because it is divers years since it was used, yet upon the same grounds the King may renew it, as often as he pleaseth, for the composition looks backward, and the offence continuing, is subject to a new fine. The state of that business he laid down thus: Heretofore, when the services due by tenure were taken in kind, it were fit there were some way of trial and approbation of those that were bound to such services. Therefore, it was ordained, that such as were to do knight's services, after they came of age, and had possession of their lands, should be made knights; that is, publicly declared to be fit for that service:—divers ceremonies and solemnities were in use for this purpose; and if by the party's neglect this was not done, he was punishable by fine; there being in those times an ordinary and open way to get knighthood, for those who were born to it. Now it is quite true, that although the use of this hath for divers ages been discontinued, yet there have passed very few kings under whom there hath not been a general summons, requiring those who had lands of such value as the law

prescribes, to appear at the coronation, or some other great solemnity, and to be knighted, and yet nothing intended but the getting of some small fines. So this grievance is not altogether new in the kind; but it is new in the manner, and in the excess of it, and that in divers respects. 1. First, it hath been extended beyond all intention and color of law. Not only inn-holders, but likewise leaseholders, copyholders, merchants, and others; scarce any man free from it. 2. The fines have been immoderate, far beyond the proportion of former times.[80] 3. The proportion has been without any example, precedent, or rule of justice. For though those that were summoned did appear, yet distresses infinite were made out against them, and issues increased and multiplied, and no way open to discharge those issues, by plea or otherwise, but only by compounding with the commissioners at their own pleasure.

The third general head of civil grievances was, the great inundation of monopolies: whereby heavy burthens are laid, not only upon foreign, but also native commodities. These began in the soap patent. The principal undertakers in this were divers Popish recusants, men of estate and quality, such as in likelihood did not only

aim at their private gain, but that by this open breach of law, the King and his people might be more fully divided, and the ways of Parliament men more thoroughly obstructed. Amongst the infinite inconveniences and mischiefs which this did produce, these few may be observed: 1. The impairing the goodness, and enhancing the price of most of the commodities and manufactures of the realm, yea, of those which are of most necessary and common use, as salt, soap, beer, coals, and infinite others. 2. That, under color of licenses, trades and manufactures are restrained to a few hands, and many of the subjects deprived of their ordinary way of livelihood. 3. That, upon such illegal grants, a great number of persons had been unjustly vexed by pursuivants, imprisonments, attendance upon the council table, forfeiture of goods, and many other ways.

The fourth head of civil grievances was that great and unparalleled grievance of the ship money, which, though it may seem to have more warrant of law than the rest, because there hath a judgment passed for it, yet in truth it is thereby aggravated, if it be considered that the judgment is founded upon the naked opinion of some judges without any

written law, without any custom, or authority of law books, yea, without any one precedent for it.[21] Many express laws, many declarations in parliaments, and the constant practice and judgment at all times being against it! Yea, in the very nature of it, it will be found to be disproportionable to the case of "necessity" which is pretended to be the ground of it! Necessity excludes all formalities and solemnities. It is no time then to make levies and taxes to build and prepare ships. Every man's person, every man's ships are to be employed for the resisting of an invading enemy. The right on the subject's part was so clear, and the pretences against it so weak, that he thought no man would venture his reputation or conscience in the defence of that judgment, being so contrary to the grounds of the law, to the practice of former times, and so inconsistent in itself.

Amongst many inconveniences and obliquities of this grievance, he noted these: 1. That it extendeth to all persons, and to all times; it subjecteth our goods to distress, and our persons to imprisonment; and, the causes of it being secret and invisible, referred to his Majesty's breast alone, the subject was left

without possibility of exception and relief. 2. That there were no rules or limits for the proportion; so that no man knew what estate he had, or how to order his course or expenses. 3. That it was taken out of the subject's purse by a writ, and brought into the King's coffers by instructions from the lords of his most honorable privy council. Now, in the legal defence of it, the writ only did appear; of the instructions there was no notice taken, which yet in the real execution of it were most predominant. It carries the face of service in the writ, and of revenue in the instructions. Why, if this way had not been found to turn the ship into money, it would easily have appeared how incompatible this service is with the office of a sheriff, in the inland counties; and how incongruous and inconvenient for the inhabitants! The law in a body politic is like nature, which always prepareth and disposeth proper and fit instruments and organs for every natural operation. If the law had intended any such charge as this, there should have been certain rules, suitable means, and courses, for the levying and managing of it.

The fifth head was the enlargement of the forests beyond the bounds and perambulations appointed and established by act of Parliament,

27 and 28 Edward I.; and this is done upon the very reasons and exceptions which had been on the King's part propounded, and by the Commons answered, in Parliament, not long after that establishment. It is not unknown to many in this House that those perambulations were the fruit and effect of that famous charter which is called "Charta de Forrestâ," whereby many tumults, troubles, and discontents had been taken away, and composed between the King and his subjects; and it is full of danger, that by reviving those old questions, we may fall into the like distempers. Hereby, however, no blame could fall upon that great lord, who is now justice in Eyre, and in whose name these things were acted; it could not be expected that he should take notice of the laws and customs of the realm; therefore he was careful to procure the assistance and direction of the judges; and if any thing were done against law, it was for them to answer, and not for him.

The particular irregularities and obliquities of this business were these:—1. The surreptitious procuring a verdict for the King; without giving notice to the country whereby they might be prepared to give in evidence for their

own interest and indemnity, as was done in Essex. 2. Whereas the judges in the justice seat in Essex were consulted with about the entry of the former verdict, and delivered their opinion touching that alone, without meddling with the point of right; this opinion was after enforced in other counties as if it had been a judgment upon the matter, and the council for the county discountenanced in speaking, because it was said to be already adjudged. 3. The inheritance of divers of the subjects have been hereupon disturbed, after the quiet possession of three or four hundred years, and a way opened for the disturbance of many others. 4. Great sums of money have been drawn from such as have lands within these pretended bounds, and those who have forborne to make composition have been threatened with the execution of these forest laws. 5. The fifth was the selling of nuisances, or at least some such things as are supposed to be nuisances. The King, as father of the commonwealth, is to take care of the public commodities and advantages of his subjects, as rivers, highways, common sewers, and suchlike, and is to remove whatsoever is prejudicial to them; and for the trial of those there are legal and ordinary writs of *ad quod damnum;*

but of late a new and extrajudicial way hath been taken, of declaring matters to be nuisances; and divers have thereupon been questioned, and if they would not compound, they have been fined; if they do compound, that which was first prosecuted as a common nuisance is taken into the King's protection and allowed to stand; and having yielded the King money, no further care is taken whether it be good or bad for the commonwealth. By this a very great and public trust is either broken or abused. If the matter compounded for be truly a nuisance, then it is broken to the hurt of the people; if it be not a nuisance, then it is abused to the hurt of the party. The particulars mentioned were:—First, the commission for buildings in and about this town, which heretofore hath been presented by this House as a grievance in King James' time, but now of late the execution hath been much more frequent and prejudicial than it was before. Secondly, commission for depopulation,[33a] which began some few years since, and is still in hot prosecution. By both these the subject is restrained from disposing of his own. Some have been commanded to demolish their houses; others have been forbidden to build; others, after great trouble and

vexation, have been forced to redeem their peace with large sums, and they still remain, by law, as liable to a new question as before; for it is agreed by all that the King cannot license a common nuisance; and although indeed these are not such, yet it is a matter of very ill consequence that, under that name, they should be compounded for, and may in ill times hereafter be made a precedent for the Kings of this realm to claim a power of licensing such things as are nuisances indeed.[38]

The seventh great civil grievance hath been, the military charges laid upon the several counties of the kingdom; sometimes by warrant under his Majesty's signature, sometimes by letters from the council table, and sometimes (such had been the boldness and presumption of some men), by the order of the Lord Lieutenants, or deputy-lieutenant alone. This is a growing evil; still multiplying and increasing from a few particulars to many, from small sums to great. It began first to be practised as a loan, for supply of coat and conduct money; and for this it hath some countenance from the use in Queen Elizabeth's time, when the lords of the council did often desire the deputy-lieutenants to procure so much money

to be laid out in the country as the service did require, with a promise to pay it again in London; for which purpose there was a constant warrant in the exchequer. This was the practice in her time, and in a great part of King James'. But the payments were then so certain, as it was little otherwise than taking up money upon bills of exchange. At this day they follow these precedents in the manner of the demand (for it is with a promise of a repayment), but not in the certainty and readiness of satisfaction.

The first particular brought into a tax (as he thought) was the muster master's wages, at which many repined; but being for small sums, it began to be generally digested; yet, in the last Parliament, this House was sensible of it, and to avoid the danger of the precedent that the subjects should be forced to make any payments without consent in Parliament, they thought upon a bill that might be a rule to the lieutenants what to demand, and to the people what to pay. But the hopes of this bill were dashed in the dissolution of that Parliament. Now of late divers other particulars are growing into practise, which make the grievance much more heavy. Those mentioned were

these: 1. Pressing men against their will, and forcing them which are rich or unwilling to serve, to find others in their place. 2. The provision of public magazines for powder, and other munition, spades and pickaxes. 3. The salary of divers officers besides the muster master. 4. The buying of cart-horses and carts, and hiring of carts for carriages.

The eighth head of civil grievances was the extrajudicial declarations of judges, whereby the subjects have been bound in matters of great importance without hearing of counsel or argument on their part, and are left without legal remedy, by writ of error or otherwise. He remembered the expression used by a former member of the House, of a "teeming parliament." This, he said, was a teeming grievance; from hence have issued most of the great grievances now in being. The ship-money—the pretended nuisances already mentioned—and some others which have not yet been touched upon,—especially that concerning the proceedings of ecclesiastical courts.

The ninth general head was—that the authority and wisdom of the council table have been applied to the contriving and managing of several monopolies, and other great griev-

ances. The institution of the council-table was much for the advantage and security of the subject, to avoid surreptitious and precipitate courts in the great affairs of the kingdom. But by law an oath should be taken by all those of the King's council, in which, amongst other things it is expressed that they should for no cause forbear to do right to all the King's people. If such an oath be not now taken, he wished it might be brought into use again.

It was the honor of that table, to be, as it were, incorporated with the King; his royal power and greatness did shine most conspicuously in their actions and in their counsels. We have heard of projectors and referees heretofore; and what opinion and relish they have found in this House is not unknown.[24] But that any such thing should be acted by the council-table which might give strength and countenance to monopolies, as it hath not been used till now of late, so it cannot be apprehended without the just grief of the honest subject, and encouragement of those who are ill affected. He remembered that *in tertio* of this king, a noble gentleman, then a very worthy member of the Commons' House, now a great lord and eminent counsellor of State, did in this place

declare an opinion concerning that clause used to be inserted in patents of monopoly, whereby justices of peace are commanded to assist the patentees; and that he urged it to be a great dishonor to those gentlemen which are in commission to be so meanly employed—with how much more reason may we, in jealousy of the honor of the council-table, humbly desire that their precious time, their great abilities, designed to the public care and service of the kingdom, may not receive such a stain, such a diminution as to be employed in matters of so ill report, in the estimation of the law; of so ill effect in the apprehension of the people!

The tenth head of civil grievances was comprised in the high court of star chamber, which some think succeeded that which in the parliament rolls is called *magnum concilium*, and to which parliaments were wont so often to refer those important matters which they had no time to determine. But now this court, which in the late restoration or erection of it in Henry VII.'s time, was especially designed to restrain the oppression of great men, and to remove the obstructions and impediments of the law,—this, which is both a court of counsel and a court of justice—hath been made an instrument of

erecting and defending monopolies and other grievances; to set a face of right upon those things which are unlawful in their own nature; a face of public good upon such as are pernicious in their use and execution. The soap-patent and divers other evidences thereof may be given, so well known as not to require a particular relation. And as if this were not enough, this court hath lately intermeddled with the ship money! divers sheriffs have been questioned for not levying and collecting such sums as their counties have been charged with; and if this beginning be not prevented, the star chamber will become a court of revenue, and it shall be made crime not to collect or pay such taxes as the State shall require!

The eleventh head of civil grievance was now come to. He said, he was gone very high, yet he must go a little higher. That great and most eminent power of the King, of making edicts and proclamations, which are said to be *leges temporis*, and by means of which our princes have used to encounter with such sudden and unexpected danger, as would not endure so much delay, as assembling the great council of the kingdom—this, which is one of the most glorious beams of majesty, most rig-

orous in commanding reverence and subjection, hath, to our unspeakable grief, been often exercised of late for the enjoining and maintaining sundry monopolies and other grants; exceeding burdensome and prejudicial to the people.

The twelfth next. Now, although he was come as high as he could upon earth, yet the presumption of evil men did lead him one step higher—even as high as heaven—as high as the throne of God! It was now (he said) grown common for ambitious and corrupt men of the clergy to abuse the truth of God and the bond of conscience; preaching down the laws and liberties of the kingdom; and pretending divine authority for an absolute power in the King, to do what he would with our persons and goods. This hath been so often published in sermons and printed books, that it is now the highway to preferment!

In the last parliament we had a sentence of an offence of this kind against one Manwaring, then a doctor, now a bishop; concerning whom (he said) he would say no more but this, that when he saw him at that bar, in the most humble and dejected posture that ever he observed, he thought he would not so soon have leaped into a bishop's chair! But his success

hath emboldened others; therefore (he said) this may well be noted as a double grievance, that such doctrine should be allowed, and that such men should be preferred; yea, as a root of grievances, whereby they endeavor to corrupt the King's conscience, and, as much as in them lies, to deprive the people of that royal protection to which his Majesty is bound by the fundamental laws of the kingdom, and by his own personal oath.

The thirteenth head of civil grievences he would thus express: The long intermission of parliaments, contrary to the two statutes yet in force, whereby it is appointed there should be parliaments once a year, at the least; and most contrary to the public good of the kingdom; since, this being well remedied, it would generate remedies for all the rest.

Having gone through the several heads of grievances, he came to the second main branch, propounded in the beginning; that the disorders from whence these grievances issued were as hurtful to the King as to the people, of which he gave divers reasons.

1. The interruption of the sweet communion which ought to be betwixt the King and his people, in matters of grace and supply.

They have need of him by his general pardon; to be secured from projectors and informers; to be freed from obsolete laws; from the subtle devices of such as seek to restrain the prerogative to their own private advantage, and the public hurt; and he hath need of them for counsel and support in great and extraordinary occasions. This mutual intercourse, if indeed sustained, would so weave the affections and interests of his subjects into his actions and designs that their wealth and their persons would be his; his own estate would be managed to most advantage; and public undertakings would be prosecuted at the charge and adventure of the subject. The victorious attempts in Queen Elizabeth's time upon Portugal, Spain, and the Indies, were for the greatest part made upon the subjects' purses, and not upon the Queen's; though the honor and profit of the success did most accrue to her.

2. Those often breaches and discontentments betwixt the King and the people are very apt to diminish his reputation abroad, and disadvantage his treaties and alliances.

3. The apprehension of the favor and encouragement given to popery hath much weakened his Majesty's party beyond the sea, and

impaired that advantage which Queen Elizabeth and his royal father have heretofore made, of being heads of the Protestant union.

4. The innovations in religion and rigor of ecclesiastical courts have forced a great many of his Majesty's subjects to forsake the land; whereby not only their persons and their posterity, but their wealth and their industry are lost to this kingdom, much to the reduction, also, of his Majesty's customs and subsidies. And, amongst other inconveniences of such a sort, this was especially to be observed, that divers clothiers, driven out of the country, had set up the manufacture of cloth beyond the seas; whereby this State is like to suffer much by abatement of the price of wools, and by want of employment for the poor; both which likewise tend to his Majesty's particular loss.

5. It puts the King upon improper ways of supply, which, being not warranted by law, are much more burdensome to the subject than advantageous to his Majesty. In France, not long since, upon a survey of the King's revenue, it was found that two parts in three never came to the King's purse, but were diverted to the profit of the officers or ministers of the crown, and it was thought a very good service and

reformation to reduce two parts to the King, leaving still a third part to the instruments that were employed about getting it in. It may well be doubted that the King may have the like or worse success in England, which appears already in some particulars. The King, for instance, hath reserved upon the monopoly of wines thirty thousand pounds rent a year; the vintner pays forty shillings a ton, which comes to ninety thousand pounds; the price upon the subject by retail is increased two-pence a quart, which comes to eight pounds a ton, and for forty-five thousand tons brought in yearly, amounts to three hundred and sixty thousand pounds; which is three hundred and thirty thousand pounds loss to the kingdom, above the King's rent! Other monopolies also, as that of soap, have been very chargeable to the kingdom and brought very little treasure into his Majesty's coffers. Thus it is that the law provides for that revenue of the crown which is natural and proper, that it may be safely collected and brought to account; but this illegal revenue, being without any such provision, is left to hazard and much uncertainty, either not to be retained, or not duly accounted of.

6. It is apt to weaken the industry and cour-

age of the subject; if they be left uncertain, whether they shall reap the benefit of their own pains and hazard. Those who are brought into the condition of slaves will easily grow to a slavish disposition, who, having nothing to lose, do commonly shew more boldness in disturbing than defending a kingdom.

7. These irregular courses do give opportunity to ill instruments, to insinuate themselves into the King's service, for we cannot but observe, that if a man be officious in furthering their inordinate burdens of ship money, monopolies, and the like, it varnisheth over all other faults, and makes him fit both for employment and preferment; so that out of their offices, they are furnished for vast expenses, purchases, buildings; and the King loseth often more in desperate debts at their death, than he got by them all their lives. Whether this were not lately verified in a western man, much employed while he lived, he leaves to the knowledge of those who were acquainted with his course; and he doubted not but others might be found in the like case. The same course, again, has been pursued with those that are affected to popery, to profaneness, and to superstitious innovations in matters of religion. All

kinds of spies and intelligencers, have means to be countenanced and trusted if they will be but zealous in these kind of services, which, how much it detracts from his Majesty, in honor, in profit, and prosperity of public affairs, lies open to every man's apprehension. And from these reasons or some of them, he thought it proceeded, that through the whole course of the English story it might be observed, that those kings who had been most respectful of the laws, had been most eminent in greatness, in glory, and success, both at home and abroad; and that others, who thought to subsist by the violation of them, did often fall into a state of weakness, poverty, and infortunity.

8. The differences and discontents betwixt his Majesty and the people at home, have in all likelihood diverted his royal thoughts and counsels from those great opportunities which he might have, not only to weaken the House of Austria, and to restore the palatinate, but to gain himself a higher pitch of power and greatness than any of his ancestors. For it is not unknown how weak, how distracted, how discontented the Spanish colonies are in the West Indies. There are now in those parts in New England, Virginia, and the Caribbean

Islands, and in the Bermudas, at least sixty thousand able persons of this nation, many of them well armed, and their bodies seasoned to that climate, which with a very small charge, might be set down in some advantageous parts of these pleasant, rich, and fruitful countries, and easily make his Majesty master of all that treasure, which not only foments the war, but is the great support of popery in all parts of Christendom.

9. And lastly, those courses are likely to produce such distempers in the State as may not be settled without great charge and loss; by which means more may be consumed in a few months than shall be gotten by such ways in many years.

Having thus passed through the two first general branches, he was now come to the third, wherein he was to set down the ways of healing and removing those grievances which consisted of two main branches: first, in declaring the law where it was doubtful; the second, in better provision for the execution of law, where it is clear. But (he said) because he had already spent much time, and begun to find some confusion in his memory,[95] he would refer the particulars to another opportunity, and for the present only move that which was

general to all, and which would give weight and advantage to all the particular ways of redress. That is, that we should speedily desire a conference with the lords, and acquaint them with the miserable condition wherein we find the Church and State; and as we have already resolved to join in a religious seeking of God, in a day of fast and humiliation, so to entreat them to concur with us in a parliamentary course of petitioning the King, as there should be occasion; and in searching out the causes and remedies of these many insupportable grievances under which we lie. That so, by the united wisdom and authority of both Houses, such courses may be taken as (through God's blessing) may advance the honor and greatness of his Majesty, and restore and establish the peace and prosperity of the kingdom.

This, he said, we might undertake with comfort and hope of success; for though there be a darkness upon the land, a thick and palpable darkness, like that of Egypt, yet, as in that, the sun had not lost his light, nor the Egyptians their sight (the interruption was only in the medium), so with us, there is still (God be thanked) light in the sun—wisdom and justice in his Majesty—to dispel this darkness; and in us there remains a visual faculty, whereby we

are enabled to apprehend, and moved to desire, light. And when we shall be blessed in the enjoying of it, we shall thereby be incited to return his Majesty such thanks as may make it shine more clearly in the world, to his own glory, and in the hearts of his people, to their joy and contentment.

At the conclusion of Pym's speech, the King's solicitor, Herbert, "with all imaginable address," attempted to call off the attention of the members from the extraordinary impression it had made. But the singular moderation no less than the deadly force of Pym's statements had created a calm but a settled determination. A committee was at once appointed to inquire into violations of privilege; and it was resolved to ask for a conference on grievances with the Lords. A conference was held, and the debate continued for two days—that of the second day continuing from eight in the morning till five in the afternoon. The King saw that grievances would have to be redressed before supplies would be granted, and, accordingly, at an early hour on the following morning, he dissolved Parliament.

The Revolution was now probably inevitable. The affection of the people and of the members of Parliament for the King was fast transformed into distrust, and finally into hostility. Macaulay in his essays on "Hampden" and "Hallam's Constitutional History" has well shown the several steps in the process of transformation. The King was soon obliged to summon another Parliament; and when the new members came together in November of the same year, it was evident that compromise was no longer possible. The impeachment and execution of Strafford were soon followed by an attempt of the King to arrest the leading members of Parliament, and this attempt in turn was followed by the outbreak of war.

LORD CHATHAM.

THE elder William Pitt entered the House of Commons at the age of twenty-six, in the year 1735. At Eton and at Oxford his energies had been devoted to a course of study that was admirably adapted to develop the remarkable powers for which his name is so well known. We are told that he was a devoted student of the classics, that he wrote out again and again carefully-prepared translations of some of the great models of ancient oratory, and that in this way he acquired his easy command of a forcible and expressive style. His studies in English, too, were directed to the same end. He read and reread the sermons of Dr. Barrow, till he had acquired something of that great preacher's copiousness of vocabulary and exactness of expression. With the same end in

view he also performed the extraordinary task of going twice through Bailey's Dictionary, examining every word, and making himself, as far as possible, complete master of all the shades of its significance. Joined to these efforts was also an unusual training in elocution, which gave him extraordinary command of a remarkable voice, and made him an actor scarcely inferior to Garrick himself. It may be doubted whether any one, since the days of Cicero, has subjected himself to an equal amount of pure drudgery in order to fit himself for the duties of a public speaker.

When Pitt entered the House of Commons, Walpole was at the height of his power. Pitt's first speech was on the occasion of the marriage of the Prince of Wales in 1736; and, although it consisted mainly of a series of high-sounding compliments, it attracted immediate and universal attention on account of its fine command of language and its general elegance of manner. United with these characteristics was also a vein of irony that made it "gall



LORD CHATHAM.

After a painting by Brompton.

and wormwood " to the King and to Walpole. The Prince of Wales, as so often has happened in English history, was at the head of the opposition to the government. This opposition had been so strenuous as to provoke the energetic displeasure of the King and of the First Minister. King George's animosity had gone so far as to forbid the moving of the congratulatory address by the Minister of the Crown. This fact gave to Pitt an opportunity which he turned to immediate account. Though there was not a syllable in the speech that could be regarded as disrespectful or improper, the orator so managed the subject as to give to his compliments all the effect of the keenest irony. His glowing utterances on the "filial virtues" of the son, and the " tender paternal delight " of the father, showed to his astonished auditors that he was concealing under the cover of faultless phrases an able and a dangerous opposition. Walpole was filled with anxiety and alarm. He is said to have remarked: " We must at all events muzzle that terrible cornet of horse." It is

probable that the arts of bribery were attempted in order to win over the young officer; but it is certain that, if the effort was made, it met with failure, for Pitt remained inflexibly attached to the Prince and the opposition. Walpole could at least throw him into disgrace. Within two weeks after his speech, Pitt was deprived of his commission.

The effect was what an acute politician should have foreseen. It made the Court more odious; it created a general sympathy for the young orator; it put him at the head of the new party known as the Patriots. Walpole, from this moment, was obliged to assume the defensive, and his power steadily declined till his fall in 1741. It was in a succession of assaults upon Walpole that the great abilities of Pitt forced themselves into universal recognition.

The sources of his power were two-fold. In the first place he made himself the avowed champion of what may be called the popular part of the Constitution. His effort was to

rescue the government from those corruptions which had kept Walpole so long in place, and had so long stifled all the popular sentiments of the nation. In the interests of this purpose he was the first to propose a reform of the House of Commons, as a result of which there might be something like a true representation of popular interests. The other source of his power was in the methods and characteristics of his eloquence. He was not in a true sense a great debator. His ability lay not in any power to analyze a difficult and complicated subject and present the bearings of its several parts in a manner to convince the reason. His peculiarities were rather in his way of seizing upon the more obvious phases of the question at issue, and presenting them with a nobility of sentiment, a fervor of energy, a loftiness of conception, and a power of invective that bore down and destroyed all opposition.

During much of the time between 1735 and 1755 Pitt was in the opposition. When, on the fall of Walpole in 1741, Carteret came into

power, Pitt assailed his narrow views and sordid methods with such energy that after three years he was given up as an object of merited reprobation. Pelham was now called to the head of affairs; but he would accept the office of First Minister only on condition that Pitt would take office under him. The King for a long time resisted; but, after a vain attempt to have a government formed under Pulteney, he gave his assent. Thus Pitt became Paymaster of the Forces in 1746, an office which he held till the death of Pelham in 1754.

But on the accession of Pelham's brother, the Duke of Newcastle, he once more fell into the opposition. The two years that followed were the most brilliant period of his oratory. The ministry gave him ample opportunities, and he took every occasion to improve them. Disasters abounded in every quarter of the British Empire. The loss of Minorca, the capture of Calcutta, the defeat of Gen. Braddock, the threatened invasion of England by the French, were themes well calculated to call

forth his awful invective. The result was that Newcastle was driven from his place. Public opinion demanded that the reins now be placed in the hands of the only man fitted to hold them. Pitt became Prime Minister in December of 1756.

But the personal dislike of the King still would allow him no success. Newcastle with the support of the royal favor was able to defeat him in the House of Commons; and in April, 1757, he was ordered to retire. But the outburst of popular indignation showed itself in all parts of the kingdom. The chief towns sent gold boxes containing the "freedom of the cities" in token of their approval of the minister. As Horace Walpole said: "It rained gold boxes." The King was obliged to give way, and in June of 1757 Pitt was recalled.

Then began his great career as a statesman. With a power that in England has never been equalled, he infused his own spirit into all those about him. The panic which had paralyzed all effort gave way to an air of proud

and defiant confidence. The secret was, that Pitt had the faculty of transfusing his own zeal into all those with whom he came in contact. "It will be impossible to have so many ships prepared so soon," said Lord Anson, when a certain expedition was ordered. "If the ships are not ready," cried out Pitt, "I will impeach your Lordship, in the presence of the House." The ships were ready; indeed, so was every thing else as he required. And this was the spirit that carried into England the energy of a new existence. Within little more than two years all was changed. In Africa France was obliged to give up every settlement she possessed. In India she was stripped of every post, and, after defeat at sea, was obliged to abandon her contest for the mastery of the East. In the New World the victories of the English were even more striking and more important. A chain of French forts had hemmed in the English settlers, and threatened the very existence of the Colonies. One after another, Fort Duquesne, Ticonderoga, Crown Point,

Oswego, Niagara, Louisburg, and Quebec, fell into the hands of the English. The war is summarized by saying that at the close of the conflict, not a foot of territory was left to the French in the Western World. In Europe the French were defeated at Créveldt and Minden; Havre was bombarded; the fortifications at Cherbourg were destroyed; and the great victory off Quiberon demolished the French Navy for the remainder of the war. And yet, when in 1760 George III. ascended the throne, he conspired with the Tory leaders to overthrow the great minister, "in order," as was finely said by Grattan, "to be relieved of his superiority." George was determined to follow his mother's injunctions and "be king." The royal opposition succeeded in defeating Pitt on the manner of beginning the Spanish war; and the most glorious ministry that England had ever seen was brought to an end in October, 1761. In four and a half years England had been taken from a state of extreme humiliation and made the first power in Europe.

The remaining sixteen years of Pitt's life with one brief interval, were devoted to the Opposition. He was tortured with the gout, and during much of this period was unable to be in his place in Parliament, or even to leave his bed. But at times the energy of his will overcame the infirmities of his body and he appeared in the House, where he always made his voice and his influence felt. With the accession of the Tories under the lead of the King, the traditional methods of government were in danger. It was to combat these tendencies,—as he said: "to restore, to save, to confirm the Constitution,"—that all his powers of body and mind were directed. He was the champion of popular interests in opposition to the usurping prerogatives of George III.

It was during this period that most of his speeches preserved to us in one form and another were delivered. But the reporting of speeches had not yet come into vogue. Most of his efforts were written out with more or less fulness by some of his friends. The

speech which every school boy learns, beginning: "The atrocious crime of being a young man," was written out by Dr. Johnson. The speech on the Stamp Act, delivered in January of 1766, was reported by Sir Robert Dean and Lord Charlemont. The one selected for this collection, that on an Address to the Throne concerning affairs in America, was reported by Hugh Boyd, and is said to have been corrected by Chatham himself. It is probable that no speeches ever lost more in the process of reporting than his; for, more than any one else he was dependent on the circumstances and the inspiration of the moment. An eminent contemporary said of him: "No man ever knew so little what he was going to say"; and he once said of himself: "When once I am up, every thing that is in my mind comes out." His speeches were in the matter of form strictly extemporaneous, and they acquired their almost marvellous power, very largely from those peculiarities of voice and manner which are wholly absent in the printed form.

Macaulay in one of his essays says of him: "His figure was strikingly graceful and commanding, his features high, his eye full of fire. His voice, even when it sunk to a whisper, was heard to the remotest benches; and when he strained it to its fullest extent, the sound rose like the swell of an organ of a great cathedral, shook the house with its peal, and was heard through lobbies and down staircases to the Court of Requests and the precincts of Westminster Hall. He cultivated all these eminent advantages with the most assiduous care. His action is described by a very malignant observer as equal to that of Garrick. His play of countenance was wonderful; he frequently disconcerted a hostile orator by a single glance of indignation or scorn." To understand the full power of his oratory, the reader must keep these characteristics always in mind.

From the beginning of the reign of George III., Chatham, of course, was almost constantly in the opposition. Afflicted by disease and saddened by disappointment, he was seldom in

Parliament; and sometimes even when there, he was too weak to give adequate expression to his ardent thoughts. He was "the great Commoner"; and his influence therefore was much weakened when in 1767 he went into the House of Lords. But to the last his character was above suspicion, and it was finely said of him that "great as was his oratory, every one felt that the man was infinitely greater than the orator." Even Franklin said of him: "I have sometimes seen eloquence without wisdom, and often wisdom without eloquence; but in him I have seen them united in the highest degree." His death occurred on the 11th of May, 1778, in the seventieth year of his age.

LORD CHATHAM.

ON THE RIGHT OF TAXING AMERICA. HOUSE OF COMMONS, JANUARY 14, 1766.

The famous Stamp Act resorted to as a means of raising a revenue from the American Colonies during the Ministry of Mr. George Grenville, was approved on the 22d of March, 1765. The law was never successfully enforced; and when, a few months after its passage, the Ministry of Grenville was succeeded by that of Lord Rockingham, it became evident that nothing but a change of policy would restore America to tranquillity. The plan of the Ministry was to repeal the act, but at the same time to assert the *right* of Parliament to tax the Colonies. Against this position, Pitt (for he had not yet become Lord Chatham) determined to take a stand. The following speech, made on the occasion, is a good specimen of his earlier oratory,—though in parts it was evidently much abridged in the process of reproduction. It was reported by Sir Robert Dean, assisted by Lord Charlemont, and the version here given is supposed to be more nearly as the speech was spoken than is the report of any of the other of his speeches, except that on an "Address to the Throne," given hereafter.

MR. SPEAKER:

I came to town but to-day. I was a stranger to the tenor of his Majesty's speech, and the

proposed address, till I heard them read in this House. Unconnected and unconsulted, I have not the means of information. I am fearful of offending through mistake, and therefore beg to be indulged with a second reading of the proposed address. [The address being read, Mr. Pitt went on:] I commend the King's speech, and approve of the address in answer, as it decides nothing, every gentleman being left at perfect liberty to take such a part concerning America as he may afterward see fit. One word only I cannot approve of: an "early," is a word that does not belong to the notice the ministry have given to Parliament of the troubles in America. In a matter of such importance, the communication ought to have been *immediate!*

I speak not now with respect to parties. I stand up in this place single and independent. As to the late ministry [turning himself to Mr. Grenville, who sat within one of him], every capital measure they have taken has been entirely wrong! As to the present gentlemen, to those at least whom I have in my eye [looking at the bench where General Conway sat with the lords of the treasury], I have no objection. I have never been made a sacrifice by any of them. Their characters are fair; and I am al-

ways glad when men of fair character engage in his Majesty's service. Some of them did me the honor to ask my opinion before they would engage. These will now do me the justice to own, I advised them to do it—but, notwithstanding [for I love to be explicit], *I cannot give them my confidence.* Pardon me, gentlemen [bowing to the ministry], confidence is a plant of slow growth in an aged bosom. Youth is the season of credulity. By comparing events with each other, reasoning from effects to causes, methinks I plainly discover the traces of an *overruling* influence.[26]

There is a clause in the Act of Settlement obliging every minister to sign his name to the advice which he gives to his sovereign. Would it were observed! I have had the honor to serve the Crown, and if I could have submitted to *influence*, I might have still continued to serve: but I would not be responsible for others. I have no local attachments. It is indifferent to me whether a man was rocked in his cradle on this side or that side of the Tweed. I sought for merit wherever it was to be found. It is my boast, that I was the first minister who looked for it, and found it, in the mountains of the North. I called it forth, and

drew into your service a hardy and intrepid race of men—men, who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the state in the war before the last. These men, in the last war, were brought to combat on your side. They served with fidelity, as they fought with valor, and conquered for you in every part of the world. Detested be the national reflections against them! They are unjust, groundless, illiberal, unmanly! When I ceased to serve his Majesty as a minister, it was not the *country* of the man by which I was moved—but the *man* of that country wanted wisdom, and held principles incompatible with freedom.

It is a long time, Mr. Speaker, since I have attended in Parliament. When the resolution was taken in this House to tax America, I was ill in bed. If I could have endured to be carried in my bed—so great was the agitation of my mind for the consequences—I would have solicited some kind hand to have laid me down on this floor, to have borne my testimony against it! It is now an act that has passed. I would speak with decency of every act of this House; but I must beg the indulgence of the House to speak of it with freedom.

I hope a day may soon be appointed to consider the state of the nation with respect to America. I hope gentlemen will come to this debate with all the temper and impartiality that his Majesty recommends, and the importance of the subject requires; a subject of greater importance than ever engaged the attention of this House, that subject only excepted, when, near a century ago, it was the question whether you yourselves were to be bond or free. In the meantime, as I cannot depend upon my health for any future day (such is the nature of my infirmities), I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act to another time.

I will only speak to one point—a point which seems not to have been generally understood I mean to the *right*. Some gentlemen [alluding to Mr. Nugent] seem to have considered it as a point of honor. If gentlemen consider it in that light, they leave all measures of right and wrong, to follow a delusion that may lead to destruction. It is my opinion, that this kingdom has no right to lay a tax upon the colonies. At the same time, I assert the authority of this kingdom over the colonies to be sovereign and

supreme, in every circumstance of government and legislation whatsoever. They are the subjects of this kingdom; equally entitled with yourselves to all the natural rights of mankind and the peculiar privileges of Englishmen; equally bound by its laws, and equally participating in the constitution of this free country. The Americans are the sons, not the bastards of England! Taxation is no part of the governing or legislative power. The taxes are a voluntary *gift* and *grant* of the Commons alone. In legislation the three estates of the realm are alike concerned; but the concurrence of the peers and the Crown to a tax is only necessary to clothe it with the form of a law. The gift and grant is of the Commons alone. In ancient days, the Crown, the barons, and the clergy possessed the lands. In those days, the barons and the clergy gave and granted to the Crown. They gave and granted what was their own! At present, since the discovery of America, and other circumstances permitting, the Commons are become the proprietors of the land. The Church (God bless it!) has but a pittance. The property of the lords, compared with that of the commons, is as a drop of water in the ocean; and this House represents those com-

mons, the proprietors of the lands; and those proprietors virtually represent the rest of the inhabitants. When, therfore, in this House, we give and grant, we give and grant what is our own. But in an American tax, what do we do? "We, your Majesty's Commons for Great Britain, give and grant to your Majesty"—what? Our own property! No! "We give and grant to your Majesty" the property of your Majesty's Commons of America! It is an absurdity in terms.[37]

The distinction between legislation and taxation is essentially necessary to liberty. The Crown and the peers are equally legislative powers with the Commons. If taxation be a part of simple legislation, the Crown and the peers have rights in taxation as well as yourselves; rights which they will claim, which they will exercise, whenever the principle can be supported by power.

There is an idea in some that the colonies are *virtually* represented in the House. I would fain know by whom an American is represented here. Is he represented by any knight of the shire, in any county in this kingdom? Would to God that respectable representation was augmented to a greater number! Or will

you tell him that he is represented by any representative of a borough? a borough which, perhaps, its own representatives never saw! This is what is called the rotten part of the Constitution. It cannot continue a century. If it does not drop, it must be amputated.[28] The idea of a virtual representation of America in this House is the most contemptible idea that ever entered into the head of a man. It does not deserve a serious refutation.

The Commons of America represented in their several assemblies, have ever been in possession of the exercise of this, their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it! At the same time, this kingdom, as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures, in every thing, except that of taking their money out of their pockets without their consent.

Here I would draw the line:

Quam ultra citraque neque consistere rectum.

[When Lord Chatham had concluded, Mr. George Grenville secured the floor and entered

into a general denunciation of the tumults and riots which had taken place in the colonies, and declared that they bordered on rebellion. He condemned the language and sentiments which he had heard as encouraging a *revolution*. A portion of his speech is here inserted, as it is necessary for a complete understanding of the reply of Lord Chatham.]

"I cannot," said Mr. Grenville, "understand the difference between external and internal taxes. They are the same in effect, and differ only in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted; it cannot be denied; and taxation is a part of that sovereign power. It is one branch of the legislation. It is, it has been, exercised over those who are not, who were never represented. It is exercised over the India Company, the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the county palatine of Chester, and the bishopric of Durham, before they sent any representatives to Parliament. I appeal for proof to the preambles of the acts which gave them representatives; one in the reign of Henry VIII., the other in that of Charles II." [Mr. Grenville then quoted the acts,

and desired that they might be read; which being done, he said]: "When I proposed to tax America, I asked the House if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If not, tell me when the Americans were emancipated? When they want the protection of this kingdom, they are always very ready to ask it. That protection has always been afforded them in the most full and ample manner. The nation has run herself into an immense debt to give them their protection; and now, when they are called upon to contribute a small share toward the public expense —an expense arising from themselves—they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes its birth to the factions in this House. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we trod on tender ground. We were bid to expect disobedience. What is this but telling the Americans to stand out against the law, to encourage their

obstinacy with the expectation of support from hence? "Let us only hold out a little," they would say, "our friends will soon be in power." Ungrateful people of America! Bounties have been extended to them. When I had the honor of serving the Crown, while you yourselves were loaded with an enormous debt, you gave bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed in their favor the Act of Navigation, that palladium of the British commerce; and yet I have been abused in all the public papers as an enemy to the trade of America. I have been particularly charged with giving orders and instructions to prevent the Spanish trade, and thereby stopping the channel by which alone North America used to be supplied with cash for remittances to this country. I defy any man to produce any such orders or instructions. I discouraged no trade but what was illicit, what was prohibited by an act of Parliament. I desire a West India merchant [Mr. Long], well known in the city, a gentleman of character, may be examined. He will tell you that I offered to do every thing in my power to advance the trade of America. I was above giving an answer to anonymous calumnies; but in

this place it becomes one to wipe off the aspersion."

[Here Mr. Grenville ceased. Several members got up to speak, but Mr. Pitt seeming to rise, the House was so clamorous for Mr. *Pitt!* Mr. *Pitt!* that the speaker was obliged to call to order.]

Mr. Pitt said, I do not apprehend I am speaking twice. I did expressly reserve a part of my subject, in order to save the time of this House; but I am compelled to proceed in it. I do not speak twice; I only finish what I designedly left imperfect. But if the House is of a different opinion, far be it from me to indulge a wish of transgression against order. I am content, if it be your pleasure, to be silent. [Here he paused. The House resounding with *Go on! go on!* he proceeded:]

Gentlemen, sir, have been charged with giving birth to *sedition* in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this House imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty

by which the gentleman who calumniates it might have profited. He ought to have desisted from his project. The gentleman tells us, America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. I come not here armed at all points, with law cases and acts of Parliament, with the statute book doubled down in dog's ears, to defend the cause of liberty. If I had, I myself would have cited the two cases of Chester and Durham. I would have cited them to show that, even under former arbitrary reigns, Parliaments were ashamed of taxing a people without their consent, and allowed them representatives. Why did the gentleman confine himself to Chester and Durham?[29] He might have taken a higher example in Wales—Wales, that never was taxed by Parliament till it was incorporated. I would not debate a particular point of law with the gentleman. I know his abilities. I have been obliged to his diligent researches. But, for the defence of liberty, upon a general principle, upon a constitutional principle, it is a

ground on which I stand firm—on which I dare meet any man. The gentleman tells us of many who are taxed, and are not represented—the India company, merchants, stockholders, manufacturers. Surely many of these are represented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more are not equally represented. But they are all inhabitants, and as such, are they not virtually represented? Many have it in their option to be actually represented. They have connections with those that elect, and they have influence over them. The gentleman mentioned the stockholders. I hope he does not reckon the debts of the nation as a part of the national estate.

Since the accession of King William, many ministers, some of great, others of more moderate abilities, have taken the lead of government. [Here Mr. Pitt went through the list of them, bringing it down till he came to himself, giving a short sketch of the characters of each, and then proceeded:] None of these thought, or even dreamed, of robbing the colonies of their constitutional rights. That was reserved to mark the era of the late administration. Not that there were wanting some, when I had the

honor to serve his Majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition; but it would have been taking an ungenerous, an unjust advantage. The gentleman boasts of his bounties to America! Are not these bounties intended finally for the benefit of this kingdom? If they are not, he has misapplied the national treasures!

I am no courtier of America. I stand up for this kingdom. I maintain that the Parliament has a right to bind, to restrain America. Our legislative power over the colonies is sovereign and supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, if he can, and embark for that country. When two countries are connected together like England and her colonies, without being incorporated, the one must necessarily govern. The greater must rule the less. But she must so rule it as *not to contradict the fundamental principles that are common to both.*

If the gentleman does not understand the

difference between external and internal taxes, I cannot help it. There is a plain distinction between taxes levied for the purposes of raising a revenue, and duties imposed for the regulation of trade, for the accommodation of the subject; although, in the consequences, some revenue may incidentally arise from the latter.

The gentleman asks, When were the colonies emancipated? I desire to know, when were they made slaves? But I dwell not upon words. When I had the honor of serving his Majesty, I availed myself of the means of information which I derived from my office. I speak, therefore, from knowledge. My materials were good. I was at pains to collect, to digest, to consider them; and I will be bold to affirm, that the profits to Great Britain from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year, threescore years ago, are at three thousand at present. Those estates sold then from fifteen to eighteen years purchase; the same may now be sold for thirty. You owe this to America. This is the price Amer-

ica pays you for her protection. And shall a miserable financier come with a boast, that he can bring "a pepper-corn" into the exchequer by the loss of millions to the nation?[80] I dare not say how much higher these profits may be augmented. Omitting [*i. e.*, not taking into account] the immense increase of people, by natural population, in the northern colonies, and the emigration from every part of Europe, I am convinced on other grounds that the commercial system of America may be altered to advantage. You have prohibited where you ought to have encouraged. You have encouraged where you ought to have prohibited. Improper restraints have been laid on the continent in favor of the islands. You have but two nations to trade with in America. Would you had twenty! Let acts of Parliament in consequence of treaties remain; but let not an English minister become a custom-house officer for Spain, or for any foreign power. Much is wrong! Much may be amended for the general good of the whole!

Does the gentleman complain he has been misrepresented in the public prints? It is a common misfortune. In the Spanish affair of the last war, I was abused in all the newspapers

for having advised his Majesty to violate the laws of nations with regard to Spain. The abuse was industriously circulated even in hand-bills. If administration did not propagate the abuse, administration never contradicted it. I will not say what advice I did give the King. My advice is in writing, signed by myself, in the possession of the Crown. But I will say what advice I did not give to the King. I did *not* advise him to violate any of the laws of nations.

As to the report of the gentleman's preventing in some way the trade for bullion with the Spaniards, it was spoken of so confidently that I own I am one of those who did believe it to be true.

The gentleman must not wonder he was not contradicted when, as minister, he asserted the right of Parliament to tax America. I know not how it is, but there is a modesty in this House which does not choose to contradict a minister. Even your chair, sir, looks too often toward St. James'. I wish gentlemen would get the better of this modesty. If they do not, perhaps the collective body may begin to abate of its respect for the representative. Lord Bacon has told me, that a great question would not

fail of being agitated at one time or another. I was willing to agitate such a question at the proper season, viz., that of the German war—*my* German war, they called it! Every session I called out, Has any body any objection to the German war? Nobody would object to it, one gentleman only excepted, since removed to the Upper House by succession to an ancient barony [Lord Le Despencer, formerly Sir Francis Dashwood]. He told me he did not like a German war. I honored the man for it, and was sorry when he was turned out of his post.

A great deal has been said without doors of the power, of the strength of America It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valor of your troops. I know the skill of your officers. There is not a company of foot that has served in America, out of which you may not pick a man of sufficient knowledge and experience to make a governor of a colony there. But on this ground, on the Stamp Act, which so many here will think a crying injustice, I am one who will lift up my hands against it.

In such a cause, your success would be hazardous. America, if she fell, would fall like the

strong man; she would embrace the pillars of the State, and pull down the Constitution along with her. Is this your boasted peace—not to sheathe the sword in its scabbard, but to sheathe it in the bowels of your countrymen? Will you quarrel with yourselves, now the whole house of Bourbon is united against you; while France disturbs your fisheries in Newfoundland, embarrasses your slave trade to Africa, and withholds from your subjects in Canada their property stipulated by treaty; while the ransom for the Manillas is denied by Spain, and its gallant conqueror basely traduced into a mean plunderer; a gentleman [Colonel Draper] whose noble and generous spirit would do honor to the proudest grandee of the country? The Americans have not acted in all things with prudence and temper: they have been wronged: they have been driven to madness by injustice. Will you punish them for the madness you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America that she will follow the example. There are two lines in a ballad of Prior's, of a man's behavior to his wife, so applicable to you and your colonies, that I can not help repeating them:

"Be to her faults a little blind;
Be to her virtues very kind."

Upon the whole, I will beg leave to tell the House what is my opinion. It is, that the Stamp Act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, viz., because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent.

Notwithstanding the advice of Pitt, the government pushed on in its mad course. The Stamp Act had to be repealed; but accompanying the repeal was a declaration that Parliament had the power and the right "to bind the colonies and people of America in all cases whatsoever." This was the very position that the Colonies had denied. It was not so much the *tax* as the *right* to tax that the Americans questioned. When the resolution reached the House of Peers, Lord Camden sustained the American view. He said: "My position is this,—I repeat it—I will maintain to the last hour, taxation and representation are inseparable. This position is founded on the law of nature. It is more, it is in itself an eternal law of nature. For whatever is a man's own is absolutely his own.

No man has a right to take it from him without his consent either expressed by himself or his representative. Whoever attempts to do this attempts an injury. Whoever does it, commits a robbery." Lord Mansfield, however, as we shall see, took the opposite ground, and the opposite ground prevailed. The consequence was that the Colonies were lost.

LORD CHATHAM.

ON AN ADDRESS TO THE THRONE CONCERNING AFFAIRS IN AMERICA. HOUSE OF LORDS, NOVEMBER 18, 1777.

Though at the delivery of this speech Chatham had already entered upon his seventieth year, he seems to have been inspired with all the fire of his youth. It is by most critics regarded as his greatest effort. Chatham had abundant reason for an extraordinary affection for America, and, as he saw that a persistence in the mad course entered upon would inevitably result in a loss of the colonies, he brought all his powers to an advocacy of a treaty of peace on such terms as would at once save the colonies and the honor of the mother country. It is the only speech of Chatham, the report of which was corrected by himself and published with his approval.

I rise, my Lords, to declare my sentiments on this most solemn and serious subject. It has imposed a load upon my mind, which, I fear, nothing can remove, but which impels me to endeavor its alleviation, by a free and unreserved communication of my sentiments.

In the first part of the address, I have the honor of heartily concurring with the noble

Earl who moved it. No man feels sincerer joy than I do; none can offer more genuine congratulations on every accession of strength to the Protestant succession. I therefore join in every congratulation on the birth of another princess, and the happy recovery of her Majesty.

But I must stop here. My courtly complaisance will carry me no farther. I will not join in congratulation on misfortune and disgrace. I cannot concur in a blind and servile address, which approves and endeavors to sanctify the monstrous measures which have heaped disgrace and misfortune upon us. This, my Lords, is a perilous and tremendous moment! It is not a time for adulation. The smoothness of flattery cannot now avail—cannot save us in this rugged and awful crisis. It is now necessary to instruct the Throne in the language of truth. We must dispel the illusion and the darkness which envelop it, and display, in its full danger and true colors, the ruin that is brought to our doors.

This, my Lords, is our duty. It is the proper function of this noble assembly, sitting, as we do, upon our honors in this House, the hereditary council of the Crown. *Who* is the

minister—*where* is the minister, that has dared to suggest to the Throne the contrary, unconstitutional language this day delivered from it? The accustomed language from the Throne has been application to Parliament for advice, and a reliance on its constitutional advice and assistance. As it is the right of Parliament to give, so it is the duty of the Crown to ask it. But on this day, and in this extreme momentous exigency, no reliance is reposed on our constitutional counsels! no advice is asked from the sober and enlightened care of Parliament! but the Crown, from itself and by itself, declares an unalterable determination to pursue measures—and what measures, my Lords? The measures that have produced the imminent perils that threaten us; the measures that have brought ruin to our doors.

Can the minister of the day now presume to expect a continuance of support in this ruinous infatuation? Can Parliament be so dead to its dignity and its duty as to be thus deluded into the loss of the one and the violation of the other? To give an unlimited credit and support for the steady perseverance in measures not proposed for our parliamentary advice, but dictated and forced upon us—in measures, I

say, my Lords, which have reduced this late flourishing empire to ruin and contempt! "But yesterday, and England might have stood against the world: now none so poor to do her reverence." I use the words of a poet; but, though it be poetry, it is no fiction. It is a shameful truth, that not only the power and strength of this country are wasting away and expiring, but her well-earned glories, her true honor, and substantial dignity are sacrificed.

France, my Lords, has insulted you; she has encouraged and sustained America; and, whether America be wrong or right, the dignity of this country ought to spurn at the officious insult of French interference. The ministers and embassadors of those who are called rebels and enemies are in Paris; in Paris they transact the reciprocal interests of America and France. Can there be a more mortifying insult? Can even our ministers sustain a more humiliating disgrace? Do they dare to resent it? Do they presume even to hint a vindicatien of their honor, and the dignity of the State, by requiring the dismission of the plenipotentiaries of America? Such is the degradation to which they have reduced the glories of England! The people whom they affect to call con-

temptible rebels, but whose growing power has at last obtained the name of enemies; the people with whom they have engaged this country in war, and against whom they now command our implicit support in every measure of desperate hostility—this people, despised as rebels, or acknowledged as enemies, are abetted against you, supplied with every military store, their interests consulted, and their embassadors entertained, by your inveterate enemy! and our ministers dare not interpose with dignity or effect. Is this the honor of a great kingdom? Is this the indignant spirit of England, who "but yesterday" gave law to the house of Bourbon? My Lords, the dignity of nations demands a decisive conduct in a situation like this. Even when the greatest prince that perhaps this country ever saw filled our Throne, the requisition of a Spanish general, on a similar subject, was attended to and complied with; for, on the spirited remonstrance of the Duke of Alva, Elizabeth found herself obliged to deny the Flemish exiles all countenance, support, or even entrance into her dominions; and the Count Le Marque, with his few desperate followers, were expelled the kingdom. Happening to arrive at the Brille, and finding it

weak in defence, they made themselves masters of the place; and this was the foundation of the United Provinces.

My Lords, this ruinous and ignominious situation, where we can not act with success, nor suffer with honor, calls upon us to remonstrate in the strongest and loudest language of truth, to rescue the ear of majesty from the delusions which surround it. The desperate state of our arms abroad is in part known. No man thinks more highly of them than I do. I love and honor the English troops. I know their virtues and their valor. I know they can achieve any thing except impossibilities; and I know that the conquest of English America *is an impossibility*. You cannot, I venture to say it, *you cannot* conquer America. Your armies in the last war effected every thing that could be effected; and what was it? It cost a numerous army, under the command of a most able general [Lord Amherst], now a noble Lord in this House, a long and laborious campaign, to expel five thousand Frenchmen from French America. My Lords, *you cannot conquer America.* What is your present situation there? We do not know the worst; but we know that in three campaigns we have done nothing and suffered

much. Besides the sufferings, perhaps *total loss* of the Northern force,[31] the best appointed army that ever took the field, commanded by Sir William Howe, has retired from the American lines. *He was obliged* to relinquish his attempt, and with great delay and danger to adopt a new and distant plan of operations. We shall soon know, and in any event have reason to lament, what may have happened since. As to conquest, therefore, my Lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies, to overrun them with the mercenary sons of rapine and plunder, devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never.

Your own army is infected with the contagion of these illiberal allies. The spirit of plunder and of rapine is gone forth among them. I know it; and, notwithstanding what the noble Earl [Lord Percy] who moved the address has given as his opinion of the American army, I know from authentic information, and the *most experienced officers*, that our discipline is deeply wounded. While this is notoriously our sinking situation, America grows and flourishes; while our strength and discipline are lowered, hers are rising and improving.

But, my Lords, who is the man that, in addition to these disgraces and mischiefs of our army, has dared to authorize and associate to our arms the tomahawk and scalping-knife of the savage? to call into civilized alliance the wild and inhuman savage of the woods; to delegate to the merciless Indian the defence of disputed rights, and to wage the horrors of his barbarous war against our brethren? My Lords, these enormities cry aloud for redress and punishment. Unless thoroughly done away, it will be a stain on the national character. It is a violation of the Constitution. I believe it is against law. It is not the least of our national misfortunes that the strength and

character of our army are thus impaired. Infected with the mercenary spirit of robbery and rapine; familiarized to the horrid scenes of savage cruelty, it can no longer boast of the noble and generous principles which dignify a soldier; no longer sympathize with the dignity of the royal banner, nor feel the pride, pomp, and circumstance of glorious war, "that make ambition virtue!" What makes ambition virtue?—the sense of honor. But is the sense of honor consistent with a spirit of plunder, or the practice of murder? Can it flow from mercenary motives, or can it prompt to cruel deeds? Besides these murderers and plunderers, let me ask our ministers, What other allies have they acquired? What *other powers* have they associated in their cause? Have they entered into alliance with the *king of the gipsies?* Nothing, my Lords, is too low or too ludicrous to be consistent with their counsels.

The independent views of America have been stated and asserted as the foundation of this address. My Lords, no man wishes for the due dependence of America on this country more than I do. To preserve it, and not confirm that state of independence into which *your measures* hitherto have *driven them*, is the ob-

ject which we ought to unite in attaining. The Americans, contending for their rights against arbitrary exactions, I love and admire. It is the struggle of free and virtuous patriots. But, contending for independency and total disconnection from England, as an Englishman, I cannot wish them success; for in a due constitutional dependency, including the ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity both of England and America. She derived assistance and protection from us; and we reaped from her the most important advantages. She was, indeed, the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power. It is our duty, therefore, my Lords, if we wish to save our country, most seriously to endeavor the recovery of these most beneficial subjects; and in this perilous crisis, perhaps the present moment may be the only one in which we can hope for success. For in their negotiations with France, they have, or think they have, reason to complain; though it be notorious that they have received from that power important supplies and assistance of various kinds, yet it is certain they expected it

in a more decisive and immediate degree. America is in ill humor with France; on some points they have not entirely answered her expectations. Let us wisely take advantage of every possible moment of reconciliation. Besides, the natural disposition of America herself still leans toward England; to the old habits of connection and mutual interest that united both countries. This *was* the established sentiment of all the Continent; and still, my Lords, in the great and principal part, the sound part of America, this wise and affectionate disposition prevails. And there is a very considerable part of America yet sound—the middle and the southern provinces. Some parts may be factious and blind to their true interests; but if we express a wise and benevolent disposition to communicate with them those immutable rights of nature and those constitutional liberties to which they are equally entitled with ourselves, by a conduct so just and humane we shall confirm the favorable and conciliate the adverse. I say, my Lords, the rights and liberties to which they are equally entitled with ourselves, *but no more.* I would participate to them every enjoyment and freedom which the colonizing subjects of a free

state can possess, or wish to possess; and I do not see why they should not enjoy every fundamental right in their property, and every original substantial liberty, which Devonshire, or Surrey, or the county I live in, or any other county in England, can claim; reserving always, as the sacred right of the mother country, the due constitutional dependency of the colonies. The inherent supremacy of the state in regulating and protecting the navigation and commerce of all her subjects, is necessary for the mutual benefit and preservation of every part, to constitute and preserve the prosperous arrangement of the whole empire.

The sound parts of America, of which I have spoken, must be sensible of these great truths and of their real interests. America is not in that state of desperate and contemptible rebellion which this country has been deluded to believe. It is not a wild and lawless banditti, who, having nothing to lose, might hope to snatch something from public convulsions. Many of their leaders and great men have a great stake in this great contest. The gentleman who conducts their armies, I am told, has an estate of four or five thousand pounds a year; and when I consider these things, I can-

not but lament the inconsiderate violence of our penal acts, our declaration of treason and rebellion, with all the fatal effects of attainder and confiscation.

As to the disposition of foreign powers which is asserted [in the King's speech] to be pacific and friendly, let us judge, my Lords, rather by their actions and the nature of things than by interested assertions. The uniform assistance supplied to America by France suggests a different conclusion. The most important interests of France in aggrandizing and enriching herself with what she most wants, supplies of every naval store from America, must inspire her with different sentiments. The extraordinary preparations of the House of Bourbon, by land and by sea, from Dunkirk to the Straits, equally ready and willing to overwhelm these defenceless islands, should rouse us to a sense of their real disposition and our own danger.[33] Not five thousand troops in England! hardly three thousand in Ireland! What can we oppose to the combined force of our enemies? Scarcely twenty ships of the line so fully or sufficiently manned, that any admiral's reputation would permit him to take the command of. The river of Lisbon in the possession of our

enemies! The seas swept by American privateers! Our Channel trade torn to pieces by them! In this complicated crisis of danger, weakness at home, and calamity abroad, terrified and insulted by the neighboring powers, unable to act in America, or acting only to be destroyed, where is the man with the forehead to promise or hope for success in such a situation, or from perseverence in the measures that have driven us to it? Who has the forehead to do so? Where is that man? I should be glad to see his face.

You can not *conciliate* America by your present measures. You cannot *subdue* her by your present or by any measures. What, then, can you do? You cannot conquer; you cannot gain; but you can *address;* you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my Lords, the time demands the language of truth. We must not now apply the flattering unction of servile compliance or blind complaisance. In a just and necessary war, to maintain the rights or honor of my country, I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and

ruinous in its consequences, I would not contribute a single effort nor a single shilling. I do not call for vengeance on the heads of those who have been guilty; I only recommend to them to make their retreat. Let them walk off; and let them make haste, or they may be assured that speedy and condign punishment will overtake them.

My Lords, I have submitted to you, with the freedom and truth which I think my duty, my sentiments on your present awful situation. I have laid before you the ruin of your power, the disgrace of your reputation, the pollution of your discipline, the contamination of your morals, the complication of calamities, foreign and domestic, that overwhelm your sinking country. Your dearest interests, your own liberties, the Constitution itself, totters to the foundation. All this disgraceful danger, this multitude of misery, is the monstrous offspring of this unnatural war. We have been deceived and deluded too long. Let us now stop short. This is the crisis—the only crisis of time and situation, to give us a possibility of escape from the fatal effects of our delusions. But if, in an obstinate and infatuated perseverance in folly, we slavishly echo the peremptory words this

day presented to us, nothing can save this devoted country from complete and final ruin. We madly rush into multiplied miseries, and "confusion worse confounded."

Is it possible, can it be believed, that ministers are yet blind to this impending destruction? I did hope, that instead of this false and empty vanity, this overweening pride, engendering high conceits and presumptuous imaginations, ministers would have humbled themselves in their errors, would have confessed and retracted them, and by an active, though a late, repentance, have endeavored to redeem them. But, my Lords, since they had neither sagacity to foresee, nor justice nor humanity to shun these oppressive calamities—since not even severe experience can make them feel, nor the imminent ruin of their country awaken them from their stupefaction, the guardian care of Parliament must interpose. I shall, therefore, my Lords, propose to you an amendment of the address to his Majesty, to be inserted immediately after the two first paragraphs of congratulation on the birth of a princess, to recommend an immediate cessation of hostilities, and the commencement of a treaty to restore peace and liberty to America, strength and happiness

to England, security and permanent prosperity to both countries. This, my Lords, is yet in our power; and let not the wisdom and justice of your Lordships neglect the happy, and, perhaps, the only opportunity. By the establishment of irrevocable law, founded on mutual rights, and ascertained by treaty, these glorious enjoyments may be firmly perpetuated. And let me repeat to your Lordships, that the strong bias of America, at least of the wise and sounder parts of it, naturally inclines to this happy and constitutional reconnection with you. Notwithstanding the temporary intrigues with France, we may still be assured of their ancient and confirmed partiality to us. America and France cannot be congenial. There is something decisive and confirmed in the honest American, that will not assimilate to the futility and levity of Frenchmen.

My Lords, to encourage and confirm that innate inclination to this country, founded on every principle of affection, as well as consideration of interest; to restore that favorable disposition into a permanent and powerful reunion with this country; to revive the mutual strength of the empire; again to awe the House of Bourbon, instead of meanly truckling, as

our present calamities compel us, to every insult of French caprice and Spanish punctilio; to re-establish our commerce; to reassert our rights and our honor; to confirm our interests, and renew our glories forever—a consummation most devoutly to be endeavored! and which, I trust, may yet arise from reconciliation with America—I have the honor of submitting to you the following amendment, which I move to be inserted after the two first paragraphs of the address:

"And that this House does most humbly advise and supplicate his Majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost in proposing an immediate opening of a treaty for the final settlement of the tranquillity of these invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come. And this House desire to offer the most dutiful assurances to his Majesty, that they will, in due time, cheerfully co-operate with the magnanimity and tender goodness of his Majesty for the preservation of his people, by such explicit and most

solemn declarations, and provisions of fundamental and irrevocable laws, as may be judged necessary for the ascertaining and fixing forever the respective rights of Great Britain and her colonies."

[In the course of this debate, Lord Suffolk, secretary for the northern department, undertook to defend the employment of the Indians in the war. His Lordship contended that, besides its *policy* and *necessity*, the measure was also allowable on *principle;* for that "it was perfectly justifiable to use all the means that *God and nature put into our hands!* "]

I am astonished [exclaimed Lord Chatham, as he rose], shocked! to hear such principles confessed—to hear them avowed in this House, or in this country; principles equally unconstitutional, inhuman, and unchristian!

My Lords, I did not intend to have encroached again upon your attention, but I cannot repress my indignation. I feel myself impelled by every duty. My Lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the Throne, polluting the ear of Majesty. "That God and nature put into our hands!" I know not what ideas that Lord may entertain

of God and nature, but I know that such abominable principles are equally abhorrent to religion and humanity. What! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping-knife—to the cannibal savage, torturing, murdering, roasting, and eating—literally, my Lords, *eating* the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my Lords, they shock every sentiment of honor; they shock me as a lover of honorable war, and a detester of murderous barbarity.

These abominable principles, and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend bench, those holy ministers of the Gospel, and pious pastors of our Church—I conjure them to join in the holy work, and vindicate the religion of their God. I appeal to the wisdom and the law of this learned bench, to defend and support the justice of their country. I call upon the Bishops to interpose the unsullied sanctity of their lawn; upon the learned judges, to interpose the purity of their ermine, to save us from this pollution. I call upon the honor

of your Lordships, to reverence the dignity of your ancestors, and to maintain your own. I call upon the spirit and humanity of my country to vindicate the national character. I invoke the genius of the Constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble Lord frowns with indignation at the disgrace of his country.[33] In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honor, the liberties, the religion—the *Protestant religion*—of this country, against the arbitrary cruelties of popery and the Inquisition, if these more than popish cruelties and inquisitorial practices are let loose among us—to turn forth into our settlements, among our ancient connections, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman and child, to send forth the infidel savage—against whom? against your Protestant brethren; to lay waste their country, to desolate their dwellings, and extirpate their race and name with these horrible hell-hounds of savage war—*hell-hounds, I say, of savage war!* Spain armed herself with blood-hounds to extirpate the wretched natives of America, and we improve on the inhuman example even of Spanish cruelty; we

turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion, endeared to us by every tie that should sanctify humanity.

My Lords, this awful subject, so important to our honor, our Constitution, and our religion, demands the most solemn and effectual inquiry. And I again call upon your Lordships, and the united powers of the State, to examine it thoroughly and decisively, and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy prelates of our religion to do away these iniquities from among us. Let them perform a lustration; let them purify this House, and this country, from this sin.

My Lords, I am old and weak, and at present unable to say more; but my feelings and indignation were too strong to have said less. I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.

The warning voice was heard in vain. Chatham's urgent anxiety was not enough to carry his amendment. It was lost by a vote of 97 to 24. The address triumphed; Parliament

adjourned; the members went to their Christmas festivities; the treaty with France was framed and ratified; and the chance of recovering the colonies was lost forever. Chatham did not live till the end of the war, but as soon as he learned that the treaty with France was signed, he knew that the fatal result was inevitable.

LORD MANSFIELD.

THE most formidable rival and opponent of Lord Chatham was William Murray, known in history as Lord Mansfield. In point of native talent it would not be easy to determine which had the advantage; but it is generally conceded that Mansfield's mind was the more carefully trained, and that his memory was the more fully enriched with the stores of knowledge. He was preëminently a lawyer and a lover of the classics; but Lord Campbell speaks of his familiarity with modern history as "astounding and even *appalling*, for it produces a painful consciousness of inferiority, and creates remorse for time misspent." His career is one of the most extraordinary examples in English history of an unquestioning acceptance of the stern conditions of the highest success.

Mansfield's education was characterized by a phenominal devotion to some of the severer kinds of intellectual drudgery. Though he was fourth son of Lord Stormont and brother of Lord Dunbar, the Secretary of the Pretender, he seems from the first to have been fully conscious that he must rely for distinction upon his own efforts alone. When he was but fourteen he had become so familiar with the Latin language that he wrote and spoke it "with accuracy and ease," and in after-life he declared that there was not one of the orations of Cicero which he had not, while at Oxford, written into English, and after an interval, according to the best of his ability, re-translated into Latin. Leaving Oxford at the age of twenty-two he was entered as a student of law at Lincoln's Inn in 1727. Lord Campbell says of him: "When he was admitted to the bar in 1730, he had made himself acquainted not only with the international law, but with the codes of all the the most civilized nations, ancient and modern; he was an elegant classical scholar; he was



LORD MANSFIELD.

From the portrait by J. Collyer.

thoroughly imbued with the literature of his own country; he had profoundly studied our mixed constitution; he had a sincere desire to be of service to his country; and he was animated by a noble aspiration after honorable fame."

The family of Murray was one of those Scotch families upon whom a peerage was bestowed by James I. It is not very singular therefore that Lord Stormont, the representative of the family, in the eighteenth century, should, like his predecessors, remain true to the Stuarts and the Pretender. William, the fourth son, grew up in the traditional political beliefs of his ancestors. While Pitt, therefore, was a Whig, Murray was a High Tory. In manner they were as different as in politics. Pitt was ardent and imperious, Murray was cool and circumspect. Pitt strove to overwhelm, but Murray strove to convince. Though Pitt was the great master of declamatory invective, Murray was vastly his superior in all the qualities that go to make up a great debater. The immediate in-

fluence of Pitt's speeches was far more overwhelming, but the qualities of Murray's argument were more persuasive and more permanent in their influence. Pitt entered the House of Commons in 1735 at twenty-six; Murray in 1742 at thirty-seven. During fourteen years therefore, before 1756 they were each the great exponents of the political parties to which they respectively belonged. Murray entered the House of Lords as Chief Justice and with the title of Baron Mansfield in the same year in which Pitt began his great career as Prime Minister. The power of Pitt was in the House of Commons, while that of Murray was in the House of Lords. Pitt's influence was over the masses, whose devotion was such that "they hugged his footmen and even kissed his horses." Murray's power was over the more thoughful few who in the end directed public opinion and moulded public action.

The character of Murray, like that of his great rival, was not only above reproach, but was remarkable for its stern rejection of every thing

that tried to turn him aside from his great purpose. When the Duchess of Marlborough strove to put him under obligations by sending him a retainer of a thousand guineas, he returned nine hundred and ninety-five, with the remark that a retaining fee was never more nor less than five guineas. When Newcastle offered him a pension of £6,000 a year, if he would remain in the House of Commons, instead of taking the Bench, he put the offer aside without a moment's hesitation, saying: "What merit have I, that you should lay on this country, for which so little is done with spirit, the additional burden of £6,000 a year?" He was Lord Chief Justice for nearly thirty-two years. Though he probably did more to strengthen the cause of the mother country against the colonies than any other one man, yet his great services have been no less generously acknowledged in America than in England. It was Mr. Justice Story who said: "England and America, and the civilized world, lie under the deepest obligations to him. Wherever commerce shall extend

its social influences; wherever justice shall be administered by enlightened and liberal rules; wherever contracts shall be expounded upon the eternal principles of right and wrong; wherever moral delicacy and judicial refinement shall be infused into the municipal code, at once to persuade men to be honest and to keep them so; wherever the intercourse of mankind shall aim at something more elevated than that grovelling spirit of barter, in which meanness, and avarice, and fraud strive for the mastery over ignorance, credulity, and folly, the name of Lord Mansfield will be held in reverence by the good and the wise, by the honest merchant, the enlightened lawyer, the just statesman, and the conscientious judge. The proudest monument of his fame is in the volumes of Burrow, and Cowper, and Douglas, which we may fondly hope will endure as long as the language in which they are written shall continue to instruct mankind. His judgments should not be merely referred to and read on the spur of particular occasions, but should be studied as

models of juridical reasoning and eloquence."

When the matter of repealing the Stamp Act came before Parliament, the question turned, as we have already observed, chiefly on the subject of the clause declaring the *right* of Parliament to levy the tax. While Chatham arrayed all his powers against the right, Mansfield was its most strenuous supporter. His speech on the subject is of great importance to the American student, because it is by far the most able and plausible ever delivered in support of the British policy. It is avowedly directed to the question of right, not at all to the question of expediency. Lord Campbell, although inclined to the doctrines of the Whigs, refers to the speech as one of arguments to which he "has never been able to find an answer." The position of Mansfield undoubtedly had a very great influence in determining and strengthening the policy of the King and of the ministry. The speech was corrected for the press by the orator's own hand, and may be regarded as authentic.

LORD MANSFIELD.

ON THE RIGHT OF ENGLAND TO TAX AMERICA. HOUSE OF LORDS, FEBRUARY 3, 1766.

The discussion, of which the speech of Pitt already given, formed a part, came up on the adoption of the motion declaring the right of England to tax America,—a motion accompanying the bill repealing the Stamp Act. The motion was strenuously opposed, not only by Pitt in the House of Commons, but also by Lord Camden in the House of Lords. Camden said: "In my opinion, my Lords, the legislature have no right to make this law. The sovereign authority, the omnipotence of the legislature is a favorite doctrine; but there are some things which you cannot do. You cannot take away a man's property, without making him a compensation. You have no right to condemn a man by bill of attainder without hearing him. But, though Parliament cannot take away a man's property, yet every subject must make contributions, and this he consents to do by his representative. Notwithstanding the King, Lords, and Commons could in ancient times tax other people, they could not tax the clergy." Lord Camden then went on to show at length, that the counties palatine of Wales and of Berwick, were never taxed till they were represented in Parliament. The same was true, he said, of Ireland; and the same doctrines should prevail in regard to America. It was in answer to Lord Camden that the following speech of Lord Mansfield was made.

MY LORDS:

I shall speak to the question strictly as a matter of right; for it is a proposition in its nature so perfectly distinct from the expediency of the tax, that it must necessarily be taken separate, if there is any true logic in the world; but of the expediency or inexpediency I will say nothing. It will be time enough to speak upon that subject when it comes to be a question.

I shall also speak to the distinctions which have been taken, without any real difference, as to the nature of the tax; and I shall point out, lastly, the necessity there will be of exerting the force of the superior authority of government, if opposed by the subordinate part of it.

I am extremely sorry that the question has ever become necessary to be agitated, and that there should be a decision upon it. No one in this House will live long enough to see an end put to the mischief which will be the result of the doctrine which has been inculcated; but the arrow is shot and the wound already given. I shall certainly avoid personal reflections. No one has had more cast upon him than myself; but I never was biased by any consideration of applause from without, in the discharge of my

public duty; and, in giving my sentiments according to what I thought law, I have relied upon my own consciousness. It is with great pleasure I have heard the noble Lord who moved the resolution express himself in so manly and sensible a way, when he recommended a dispassionate debate, while, at the same time, he urged the necessity of the House coming to such a resolution, with great dignity and propriety of argument.

I shall endeavor to clear away from the question, all that mass of dissertation and learning displayed in arguments which have been fetched from speculative men who have written upon the subject of government, or from ancient records, as being little to the purpose. I shall insist that these records are no proofs of our present Constitution. A noble Lord has taken up his argument from the settlement of the Constitution at the revolution; I shall take up my argument from the Constitution as it now is. The Constitution of this country has been always in a moving state, either gaining or losing something and with respect to the modes of taxation, when we get beyond the reign of Edward the First, or of King John, we are all in doubt and obscurity. The history of those times is full

of uncertainties. In regard to the writs upon record, they were issued some of them according to law, and some not according to law; and such [*i. e.*, of the latter kind] were those concerning ship-money, to call assemblies to tax themselves, or to compel benevolences. Other taxes were raised from escuage, fees for knights' service, and by other means arising out of the feudal system. Benevolences are contrary to law; and it is well known how people resisted the demands of the Crown in the case of ship-money, and were persecuted by the Court; and if any set of men were to meet now to lend the King money, it would be contrary to law, and a breach of the rights of Parliament.

I shall now answer the noble Lord particularly upon the cases he has quoted. With respect to the Marches of Wales, who were the borderers, privileged for assisting the King in his war against the Welsh in the mountains, their enjoying this privilege of taxing themselves was but of a short duration, and during the life of Edward the First, till the Prince of Wales came to be the King; and then they were annexed to the Crown, and became subject to taxes like the rest of the dominions of England; and from thence came the custom,

though unnecessary, of naming Wales and the town of Monmouth in all proclamations and in acts of Parliament. Henry the Eighth was the first who issued writs for it to return two members to Parliament. The Crown exercised this right *ad libitum*, from whence arises the inequality of representation in our Constitution at this day. Henry VIII. issued a writ to Calais to send one burgess to Parliament. One of the counties palatine [I think he said Durham] was taxed fifty years to subsidies, before it sent members to Parliament. The clergy were at no time unrepresented in Parlaiment. When they taxed themselves, it was done with the concurrence and consent of Parliament, who permitted them to tax themselves upon their petition, the Convocation sitting at the same time with the Parliament. They had, too, their representatives always sitting in this House, bishops and abbots; and, in the other House, they were at no time without a right of voting singly for the election of members; so that the argument fetched from the case of the clergy is not an argument of any force, because they were at no time unrepresented here.

The reasoning about the colonies of Great Britain, drawn from the colonies of antiquity,

is a mere useless display of learning; for the colonies of the Tyrians in Africa, and of the Greeks in Asia, were totally different from our system. No nation before ourselves formed any regular system of colonization, but the Romans; and their system was a military one, and of garrisons placed in the principal towns of the conquered provinces. The States of Holland were not colonies of Spain; they were States dependent upon the house of Austria in a feudal dependence. Nothing could be more different from our colonies than that flock of men, as they have been called, who came from the North and poured into Europe. Those emigrants renounced all laws, all protection, all connection with their mother countries. They chose their leaders, and marched under their banners to seek their fortunes and establish new kingdoms upon the ruins of the Roman empire.

But our colonies, on the contrary, emigrated under the sanction of the Crown and Parliament. They were modelled gradually into their present forms, respectively, by charters, grants, and statutes; but they were never separated from the mother country, or so emancipated as to become *sui juris.* There are several sorts of

colonies in British America. The charter colonies, the proprietary governments, and the King's colonies. The first colonies were the charter colonies, such as the Virginia Company; and these companies had among their directors members of the privy council and of both houses of Parliament; they were under the authority of the privy council, and had agents resident here, responsible for their proceedings. So much were they considered as belonging to the Crown, and not to the King personally (for there is a great difference, though few people attend to it), that when the two Houses, in the time of Charles the First, were going to pass a bill concerning the colonies, a message was sent to them by the King that they were the King's colonies, and that the bill was unnecessary, for that the privy council would take order about them; and the bill never had the royal assent. The Commonwealth Parliament, as soon as it was settled, were very early jealous of the colonies separating themselves from them; and passed a resolution or act (and it is a question whether it is not in force now) to declare and establish the authority of England over its colonies.

But if there was no express law, or reason

founded upon any necessary inference from an express law, yet the usage alone would be sufficient to support that authority; for, have not the colonies submitted ever since their first establishment to the jurisdiction of the mother country? In all questions of property, the appeals from the colonies have been to the privy council here; and such causes have been determined, not by the law of the colonies, but by the law of England. A very little while ago, there was an appeal on a question of limitation in a devise of land with remainders; and, notwithstanding the intention of the testator appeared very clear, yet the case was determined contrary to it, and that the land should pass according to the law of England. The colonies have been obliged to recur very frequently to the jurisdiction here, to settle the disputes among their own governments. I well remember several references on this head, when the late Lord Hardwicke was attorney general, and Sir Clement Wearg solicitor general. New Hampshire and Connecticut were in blood about their differences; Virginia and Maryland were in arms against each other. This shows the necessity of one superior decisive jurisdiction, to which all subordinate jurisdictions may

recur. Nothing, my Lords, could be more fatal to the peace of the colonies at any time, than the Parliament giving up its authority over them; for in such a case, there must be an entire dissolution of government. Considering how the colonies are composed, it is easy to foresee there would be no end of feuds and factions among the several separate governments, when once there shall be no one government here or there of sufficient force or authority to decide their mutual differences; and, government being dissolved, nothing remains but that the colonies must either change their Constitution, and take some new form of government, or fall under some foreign power. At present the several forms of their Constitution are very various, having been produced, as all governments have been originally, by accident and circumstances. The forms of government in every colony were adopted, from time to time, according to the size of the colony; and so have been extended again, from time to time, as the numbers of their inhabitants and their commercial connections outgrew the first model. In some colonies, at first there was only a governor assisted by two or three counsel; then more were added; afterward courts

of justice were erected; then assemblies were created. Some things were done by instructions from the secretaries of state; other things were done by order of the King and council; and other things by commissions under the great seal. It is observable, that in consequence of these establishments from time to time, and of the dependency of these governments upon the supreme Legislature at home, the lenity of each government in the colonies has been extreme toward the subject; and a great inducement has been created for people to come and settle in them. But, if all those governments which are now independent of each other, should become independent of the mother country, I am afraid that the inhabitants of the colonies are very little aware of the consequences. They would feel in that case very soon the hand of power more heavy upon them in their own governments, than they have yet done, or have ever imagined.

The Constitutions of the different colonies are thus made up of different principles. They must remain dependent, from the necessity of things, and their relations to the jurisdiction of the mother country; or they must be totally dismembered from it, and form a league of

union among themselves against it, which could not be effected without great violences. No one ever thought the contrary till the trumpet of sedition was blown. Acts of Parliament have been made, not only without a doubt of their legality, but with universal applause, the great object of which has been ultimately to fix the trade of the colonies, so as to centre in the bosom of that country from whence they took their original. The Navigation Act shut up their intercourse with foreign countries.[34] Their ports have been made subject to customs and regulations which have cramped and diminished their trade. And duties have been laid, affecting the very inmost parts of their commerce, and, among others, that of the post; yet all these have been submitted to peaceably, and no one ever thought till now of this doctrine, that the colonies are not to be taxed, regulated, or bound by Parliament. A few particular merchants were then, as now, displeased at restrictions which did not permit them to make the greatest possible advantages of their commerce in their own private and peculiar branches. But, though these few merchants might think themselves losers in articles which they had no right to gain, as being prejudicial

to the general and national system, yet I must observe that the colonies, upon the whole, were benefited by these laws. For these restrictive laws, founded upon principles of the most solid policy, flung a great weight of naval force into the hands of the mother country, which was to protect its colonies. Without a union with her, the colonies must have been entirely weak and defenceless, but they thus became relatively great, subordinately, and in proportion as the mother country advanced in superiority over the rest of the maritime powers in Europe, to which both mutually contributed, and of which both have reaped a benefit, equal to the natural and just relation in which they both stand reciprocally, of dependency on one side, and protection on the other.

There can be no doubt, my Lords, but that the inhabitants of the colonies are as much represented in Parliament, as the greatest part of the people of England are represented; among nine millions of whom there are eight which have no votes in electing members of Parliament. Every objection, therefore, to the dependency of the colonies upon Parliament, which arises to it upon the ground of

representation, goes to the whole present Constitution of Great Britain; and I suppose it is not meant to new-model *that* too. People may form speculative ideas of perfection, and indulge their own fancies or those of other men. Every man in this country has his particular notion of liberty; but perfection never did, and never can exist in any human institution. To what purpose, then, are arguments drawn from a distinction, in which there is no real difference—of a virtual and actual representation? A member of Parliament, chosen for any borough, represents not only the constituents and inhabitants of that particular place, but he represents the inhabitants of every other borough in Great Britain. He represents the city of London, and all the other commons of this land, and the inhabitants of all the colonies and dominions of Great Britain; and is, in duty and conscience, bound to take care of their interests.

I have mentioned the customs and the post tax. This leads me to answer another distinction, as false as the above; the distinction of internal and external taxes. The noble Lord who quoted so much law, and denied upon those grounds the right of the Parliament of

Great Britain to lay internal taxes upon the colonies, allowed at the same time that restrictions upon trade, and duties upon the ports, were legal. But I cannot see a real difference in this distinction; for I hold it to be true, that a tax laid in any place is like a pebble falling into and making a circle in a lake, till one circle produces and gives motion to another, and the whole circumference is agitated from the centre. For nothing can be more clear than that a tax of ten or twenty per cent. laid upon tobacco, either in the ports of Virginia or London, is a duty laid upon the inland plantations of Virginia, a hundred miles from the sea, wheresoever the tobacco grows.

I do not deny but that a tax may be laid injudiciously and injuriously, and that people in such a case may have a right to complain. But the nature of the tax is not now the question; whenever it comes to be one, I am for lenity. I would have no blood drawn. There is, I am satisfied, no occasion for any to be drawn. A little time and experience of the inconveniences and miseries of anarchy, may bring people to their senses.

With respect to what has been said or written upon this subject, I differ from the noble Lord,

who spoke of Mr. Otis and his book with contempt, though he maintained the same doctrine in some points, while in others he carried it farther than Otis himself, who allows everywhere the supremacy of the Crown over the colonies.[85] No man, on such a subject, is contemptible. Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the Congress and general meeting from the respective governments. It was said, the man is mad. What then? One madman often makes many. Masaniello was mad. Nobody doubts it; yet, for all that, he overturned the government of Naples. Madness is catching in all popular assemblies and upon all popular matters. The book is full of wildness. I never read it till a few days ago, for I seldom look into such things. I never was actually acquainted with the contents of the Stamp Act, till I sent for it on purpose to read it before the debate was expected. With respect to authorities in *another House*, I know nothing of them. I believe that I have not been in that House more than once since I had the honor to be called up to this; and, if I did know any thing that passed in the other House, I could not, and

would not, mention it as an authority here. I ought not to mention any such authority. I should think it beneath my own and your Lordship's dignity to speak of it.

I am far from bearing any ill will to the Americans; they are a very good people, and I have long known them. I began life with them, and owe much to them, having been much concerned in the plantation causes before the privy council; and so I became a good deal acquainted with American affairs and people. I dare say, their heat will soon be over, when they come to feel a little the consequences of their opposition to the Legislature. Anarchy always cures itself; but the ferment will continue so much the longer, while hot-headed men there find that there are persons of weight and character to support and justify them here.

Indeed, if the disturbances should continue for a great length of time, force must be the consequence, an application adequate to the mischief, and arising out of the necessity of the case; for force is only the difference between a superior and subordinate jurisdiction. In the former, the whole force of the Legislature resides collectively, and when it ceases to reside, the whole connection is dissolved. It will, in-

deed, be to very little purpose that we sit here enacting laws, and making resolutions, if the inferior will not obey them, or if we neither can nor dare enforce them; for then, and then, I say, of necessity, the matter comes to the sword. If the offspring are grown too big and too resolute to obey the parent, you must try which is the strongest, and exert all the powers of the mother country to decide the contest.

I am satisfied, notwithstanding, that time and a wise and steady conduct may prevent those extremities which would be fatal to both. I remember well when it was the violent humor of the times to decry standing armies and garrisons as dangerous, and incompatible with the liberty of the subject. Nothing would do but a regular militia. The militia are embodied; they march; and no sooner was the militia law thus put into execution, but it was then said to be an intolerable burden upon the subject, and that it would fall, sooner or later, into the hands of the Crown. That was the language, and many counties petitioned against it. This may be the case with the colonies. In many places they begin already to feel the effects of their resistence to government. Interest very soon divides mercantile people; and, although

there may be some mad, enthusiastic, or ill-designing people in the colonies, yet I am convinced that the greatest bulk, who have understanding and property, are still well affected to the mother country. You have, my Lords, many friends still in the colonies; and take care that you do not, by abdicating your own authority, desert them and yourselves, and lose them forever.

In all popular tumults, the worst men bear the sway at first. Moderate and good men are often silent for fear or modesty, who, in good time, may declare themselves. Those who have any property to lose are sufficiently alarmed already at the progress of these public violences and violations, to which every man's dwelling, person, and property are hourly exposed. Numbers of such valuable men and good subjects are ready and willing to declare themselves for the support of government in due time, if government does not fling away its own authority.

My Lords, the Parliament of Great Britain has its rights over the colonies; but it may abdicate its rights.

There was a thing which I forgot to mention. I mean, the manuscript quoted by the noble

Lord. He tells you that it is there said, that if the act concerning Ireland had passed, the Parliament might have abdicated its rights as to Ireland. In the first place, I heartily wish, my Lords, that Ireland had not been named, at a time when that country is of a temper and in a situation so difficult to be governed; and when we have already here so much weight upon our hands, encumbered with the extensiveness, variety, and importance of so many objects in a vast and too busy empire, and the national system shattered and exhausted by a long, bloody, and expensive war, but more so by our divisions at home, and a fluctuation of counsels. I wish Ireland, therefore, had never been named.

I pay as much respect as any man to the memory of Lord Chief Justice Hale; but I did not know that he had ever written upon the subject; and I differ very much from thinking with the noble Lord, that this manuscript ought to be published. So far am I from it, that I wish the manuscript had never been named; for Ireland is too tender a subject to be touched. The case of Ireland is as different as possible from that of our colonies. Ireland was a conquered country; it had its *pacta conventa* and its *regalia*. But to what purpose is it to mention

the manuscript? It is but the opinion of one man. When it was written, or for what particular object it was written, does not appear. It might possibly be only a work of youth, or an exercise of the understanding, in sounding and trying a question problematically. All people, when they first enter professions, make their collections pretty early in life; and the manuscript may be of that sort. However, be it what it may, the opinion is but problematical; for the act to which the writer refers never passed, and Lord Hale only said, that if it had passed, the Parliament might have abdicated their right.

But, my Lords, I shall make this application of it. You may abdicate your right over the colonies. Take care, my Lords, how you do so, for such an act will be irrevocable. Proceed, then, my Lords, with spirit and firmness; and, when you shall have established your authority, it will then be a time to show your lenity. The Americans, as I said before, are a very good people, and I wish them exceedingly well; but they are heated and inflamed. The noble Lord who spoke before ended with a prayer. I cannot end better than by saying to it Amen; and in the words of Maurice, Prince

of Orange, concerning the Hollanders: "*God bless this industrious, frugal, and well-meaning, but easily-deluded people.*"

The Stamp Act was repealed, and the Declaratory Act, thus advocated by Lord Mansfield, was also passed by a large majority.

The positions taken by Lord Mansfield were answered in a variety of ways by the colonists. What may be called the American Case, was carefully stated in a "Declaration of Rights and Grievances," passed by the New York Congress, October 19, 1765. The substance of the American claims may be summarized in the following propositions:

1. They owed their existence not to Parliament, but to the Crown. The King, in the exercise of the high sovereignty then conceded to him, had made them by charter *complete civil communities*, with legislatures of their own having power to lay taxes and do all other acts which were necessary to their subsistence as distinct governments. Hence,

2. They stood substantially on the same footing as Scotland previous to the Union. Like her they were subject to the Navigation Act, and similar regulations touching the *external* relations of the empire; and like her the ordinary legislation of England did not reach them, nor did the common law any farther than they chose to adopt it. Hence,

3. They held themselves amenable in their internal concerns, not to Parliament, but to the Crown alone. It was to the *King* in council or to *his* courts that they made those occasional references and appeals, which Lord Mansfield endeavors to draw into precedents. So "the post tax" spoken of above, did not originate in Parliament, but in a charter to an individual which afterward reverted to the Crown, and it was in this way alone that the post-office in America became

connected with that of England. Even the American Declaration of Independence does not once refer to the British Parliament. The colonists held that they owed allegiance to the King only, and hence it was the King's conduct alone that was regarded as a just reason for their renouncing their allegiance. One of their grievances was, that he confederated with others in "*pretended acts of legislation.*"

The Colonists supported their argument by an appeal to "long-continued usage." Burke acknowledged the force of this position, though he drew from it the conclusion merely that, "to introduce a change now, is both inexpedient and unwise." The Colonists, on the contrary, held: "You have no right to lay the taxes." The attitude of the colonies is best studied in the volume of "Prior Documents to Almon's Remembrancer," where all the important papers and the resolutions of the several colonies are given. See, also, Pilkin's "Political History," Marshall's "American Colonies," and vol. i. of Story, "On the Constitution." There is an excellent summary of the debate in the English Parliament, probably written by Burke, in the *Annual Register*, vol. ix., pp. 35–48; and a still fuller one embracing the examination of Franklin, in Hansard's "Parliamentary History," vol. xvi., pp. 90–200.

EDMUND BURKE.

THERE is much in the oratory of Edmund Burke to suggest the amplitude of mind and the power and scope of intellectual grasp that characterized Shakespeare. He surveyed every subject as if standing on an eminence and taking a view of it in all its relations, however complex and remote. United with this remarkable comprehensiveness was also a subtlety of intellect that enabled him to penetrate the most complicated relations and unravel the most perplexed intricacies. Why? Whence? For what end? With what results? were the questions that his mind seemed always to be striving to answer. The special objects to which he applied himself were the workings of political institutions, the principles of wise legislation, and the sources of national security

and advancement. *Rerum cognoscere causas,*—to know the causes of things—in all the multiform relations of organized society, was the constant end of his striving. More than any other one that has written in English he was a political philosopher. But he was far more than that. He had a memory of extraordinary grasp and tenacity; and this, united with a tireless industry, gave him an affluence of knowledge that has rarely been equalled. He had the fancy of a poet, and his imagination surveyed the whole range of human experience for illustrations with which to enrich the train of his thought.

For the purposes of legislative persuasion many of Burke's qualities were a hindrance rather than a help. His course of reasoning was often too elaborate to be carried in the mind of the hearer. His exuberant fancy constantly tempted him into illustrative excursions that led the hearer too far away from the march of the argument. The one thing which he always found it difficult to do was to restrain

the exuberance of his genius. He could not be straightforward and unadorned. He carried his wealth with him and displayed it on all occasions. Mr. Matthew Arnold has very happily characterized this feature of his mind as "Asiatic." "He is the only man," said Johnson, "whose common conversation corresponds with the general fame which he has in the world. No man of sense could meet Burke by accident under a gateway to avoid a shower without being convinced that he was the first man in England."

It is not singular that these characteristics were often thought to be oppressive. In the House of Commons he sometimes poured forth the wealth of his knowledge for hour after hour till the members were burdened and driven out of the House in sheer self-defence. This peculiarity was well described by the satirist who said:

> "He went on refining,
> And thought of convincing when they thought of dining."

Erskine, during the delivery of the speech

on "Conciliation with America," crept out of the House behind the benches on his hands and knees, and yet afterward wrote that he thought the speech the most remarkable one of ancient or modern times.

But this vast superabundance, this superfluity of riches, so oppressive to the ear of the hearer, must ever be a source of pleasure and profit to the thoughtful reader. It is safe to say that there is no other oratory of any language or time that yields so rich a return to the thoughtful efforts of the genuine student. What Fox said to members of Parliament in regard to the speech on the "Nabob of Arcot's debts," may be appropriately said with perhaps even greater emphasis to American students in regard to either of the speeches on American affairs: "Let gentlemen read this speech by day and meditate on it by night: let them peruse it again and again, study it, imprint it on their minds, impress it on their hearts." After all that has been written, the student can nowhere find a more correct and comprehensive account

of the causes of the American Revolution than in the speeches on Taxation and Conciliation.

Burke's education had given him peculiar qualifications for discussing American affairs. These qualifications were both general and special. At the age of fourteen he entered Trinity College in his native city of Dublin, where he remained six years, performing not only his regular college duties, but carrying on a very elaborate course of study of his own devising. He not only read a greater part of the poets and orators of antiquity, but he also devoted himself to philosophy in such a way that his mind took that peculiar bent which made him ultimately what has been called "the *philosophical* orator" of the language. In 1750, when he was twenty, he began the study of law at the Middle Temple, in London. But his law studies were not congenial to him; and his great energies, therefore, were chiefly devoted to the study of what would now be called Political Science. It was at this period that he acquired that habit which never deserted

him of following out trains of thought to their end, and framing his views on every subject he investigated into an organized system. He was a very careful student of Bolingbroke's works; and such an impression had this writer's methods of reasoning made upon him, that when his first pamphlet, "The Vindication of Natural Society" appeared in 1756, it was thought by many to be a posthumous work of Bolingbroke himself. In the same year he astonished the reading world by publishing at the age of twenty-six, his celebrated philosophical treatise on the "Sublime and Beautiful." But the best of his thoughts were given to a contemplation of the forms and principles of civil society. In 1757 he prepared and published two volumes on the "European Settlements in America," in the course of which, he showed that he had already traced the character of the Colonial institutions to the spirit of their ancestors, and to an indomitable love of liberty. While preparing these volumes his prophetic intelligence came to see the bound-

less resources and the irresistible strength that the colonies were soon destined to attain. Thus more than ten years before the troubles with America began, Burke had filled his mind with stores of knowledge in regard to American affairs, and had qualified himself for those marvellous trains of reasoning with which he came forward when the Stamp Act was proposed. The very next year after the publication of his treatise on the American Colonies, he projected the *Annual Register;* a work which even down to the present day has continued to give a yearly account of the most important occurrences in all parts of the globe. The undertaking could hardly have been successful except in the hands of a man of extraordinary powers. The first volumes were written almost exclusively by Burke, and the topics discussed as well as the events described, offered the best of opportunities for the exercise of his peculiar gifts. So great was the demand for the work that the early volumes rapidly passed through several editions. The first article in the first

volume is devoted to the relations of the American Colonies to the mother country; and the preëminence, thus indicated of the American question in Burke's mind, continued to be evident till the outbreak of the Revolution.

Burke entered Parliament in 1765, and in January, 1766, he delivered his maiden speech in opposition to the Stamp Act. The effort was not simply successful,—it showed so much compass and power that Pitt publicly complimented him as "a very able advocate." In 1771, he received the appointment of agent for the Colony of New York, a position which he continued to hold till the outbreak of the war. Thus, not only by his general attainments and abilities, but also as the result of his special application to the subject, he brought to the discussion of the question qualifications that were unequalled even by those of Chatham himself.

Of the speeches delivered by Burke, in all several hundred in number, only six of the more important ones have been preserved. These were written out for publication by the

orator himself. In point of compass and variety of thought as well as in lofty declamation and withering invective it is probable that the most remarkable of all his efforts was that on the "Nabob of Arcot's debts." But it is marked by the author's greatest faults as well as by his greatest merits. For five hours he poured out the pitiless and deluging torrents of his denunciations; and the reader who now sits down to the task of mastering the speech is as certain to be wearied by it as were the members of the House of Commons when it was delivered. The speech on "Conciliation with America" is marred by fewer blemishes, and its positive merits are of transcendant importance. That this great utterance exerted a vast influence on both sides of the Atlantic admits of no doubt. It is worthy of note, however, that during the greater part of Burke's political life he was in the opposition, and that by those in power, he was regarded as simply what Lord Lauderdale once called him, "a splendid madman." To this characterization Fox replied:

"It is difficult to say whether he is mad or inspired, but whether the one or the other, every one must agree that he is a *prophet.*" And at a much later period Lord Brougham observed that "All his predictions, except one momentary expression, have been more than fulfilled."

MR. BURKE.

ON MOVING RESOLUTIONS FOR CONCILIATION WITH AMERICA. HOUSE OF COMMONS, MARCH 22, 1775.

THE repeal of the Grenville Stamp Act had not brought a return of friendly feeling, for the reason that the Commons had preferred to adopt the policy of George III. instead of the policy of Pitt. The *right* to tax America was affirmed in the very act withdrawing the tax. When Lord North came into power he adopted a weak and fatal mixture of concession and coercion. After the destruction of the tea in Boston harbor the policy of coercion became dominant. In 1774, the Charter of Massachusetts was taken away, and the port of Boston was closed to all commerce. The British Government labored under the singular delusion that the inconvenience thus inflicted would bring the colonies at once to terms. It was boldly said that the question was merely one of shillings and pence, and that the colonists would give way as soon as they came to see that their policy entailed a loss. There were a few who held the opposite ground. On the night of April 19, 1774, Mr. Fuller moved to go "into Committee of the whole House to take into consideration the duty of threepence a pound on tea, payable in all his Majesty's dominions in America." It was understood that the aim of the motion was the repealing of the Act; and it was in seconding the motion that Mr. Burke made his famous speech on American taxation.

But the policy advocated in the speech was voted down by

182 to 49. Thus the ministry determined to drift on in the old way. It soon became evident, however, that some change was imperatively necessary. The method determined upon by Lord North was an insidious scheme for sowing dissensions among the colonies, and thus breaking that strength which comes from united action. His plan was to offer that whenever a colony, in addition to providing for its own government, should raise a fair proportion for the general defence, and should place this sum at the disposal of Parliament, that colony should be exempted from all further taxation, except such duties as might be necessary for the regulation of commerce. He thus designed to array the colonies against one another, and so open the way for treating with them individually. This was put forward by North as a plan for *conciliation*. While Burke saw clearly the mischief that lurked in the scheme of the ministry, he was anxious to avail himself of the *idea of conciliation;* and with this end in view he brought forward a series of resolutions "to admit the Americans to an equal interest in the British Constitution, and to place them at once on the footing of other Englishmen." It was in moving these resolutions that the following speech was made.

The method of treatment by the orator is so elaborate, that a brief analysis of the argument may be of service. The speech is divided into two parts: first, Ought we to make concessions? and if so, secondly, What ought we to concede? Under the first head the orator enters with surprising minuteness of detail into an examination of the condition of the colonies. He surveys (1) their population; (2) their commerce; (3) their agriculture, and (4) their fisheries. Having thus determined their material condition, he shows that force cannot hold a people possessing such advantages in subjection to the mother country, if they are inspired with a spirit of liberty. He shows that such a spirit prevails, and examining it, he traces it to six sources: (1) the descent of the people; (2) their

forms of government; (3) the religious principles of the North; (4) the social institutions of the South; (5) the peculiarities of their education, and (6) their remoteness from Great Britain. He then sums up the first part, by showing that it is vain to think either (1) of removing these causes, or (2) of regarding them as criminal. Reaching the conclusion then, that conciliation is the true policy, he proceeds to inquire what this concession should be. Obviously it should relate to taxation, since taxation is the cause of the contest. Referring to the earlier history of Ireland, Durham, Chester, and Wales, he shows that in every case, either an independent parliament existed, or the territory was admitted to representation in the English Parliament. He then points out that direct representation of the colonies is impracticable, and he shows the evils that would result from the adoption of Lord North's scheme. Finally, he reaches the conclusion that Americans ought to be admitted to the privileges of Englishmen—the privilege of contributing whatever they grant to the Crown through their own legislature. To this end he presents six resolutions, with a brief consideration of which he closes the speech.

This brief outline is perhaps enough to show that the speech is remarkable for its logical order, and for its happy grouping of historical facts. But so far from being a collection of mere matters of fact, it is enriched from beginning to end with thoughts and reflections from a brain teeming with ideas on the science of government. It abounds with passages that have always been greatly admired, and the train of argument is not interrupted by the introduction of matter only remotely relevant to the subject in hand. It may be said therefore to have more of the author's characteristic merits, and fewer of his characteristic defects, than any other of his speeches. Every careful student will probably agree with Sir James Mackintosh in pronouncing it "the most faultless of Mr. Burke's productions."

MR. SPEAKER:

I HOPE, sir, that, notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence toward human frailty.[36] You will not think it unnatural that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House.[37] I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor, by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are, at this very instant, nearly as free to choose a plan for our American government, as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of

coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amid so vast a fluctuation of passions and opinions, to concentre my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it

safe or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House.[88] Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since in my original sentiments without the least deviation. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiment and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted—that under them the state of America has been kept in continual agitation. Every thing administered as remedy to the public complaint, if it did not produce, was at least followed by, a heightening of the

distemper; until, by a variety of experiments, that important country has been brought into her present situation—a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, sir, things stood at the beginning of the session. About that time, a worthy member of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside, and, lamenting the present aspect of our politics, told me things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; while we accused every measure of vigor as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play

the game out with our adversaries: we must produce our hand. It would be expected that those who, for many years, had been active in such affairs, should show that they had formed some clear and decided idea of the principles of colony government, and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented, but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was, indeed, ever better disposed or worse qualified for such an undertaking than myself. Though I gave so far into his opinion that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority.[39] Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and, for my part, I am not ambitious of ridicule—not absolutely a candidate for disgrace.

Besides, sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government, nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening toward an incurable alienation of our colonies, I confess my caution gave way. I felt this as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller, and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is merely in the attempt an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I per-

suaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure that if my proposition were futile or dangerous—if it were weakly conceived or improperly timed, there was nothing exterior to it of power to awe, dazzle, or delude you. You will see it just as it is, and you will treat it just as it deserves.

The PROPOSITION is peace.[40] Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring *the former unsuspecting confidence of the colonies in the mother country*,[41] to give permanent satisfaction to your people;

and, far from a scheme of ruling by discord, to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion, and ever will be so as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is (let me say) of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project which has been lately laid upon your table by the noble Lord in the blue ribbon.[49] It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace at every instant to keep the peace among them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock

down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble Lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble Lord, has admitted, notwithstanding the menacing front of our address,[43] notwithstanding our heavy bill of pains and penalties, that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right, thus exerted, is allowed to have had something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration, and, in order to get rid of what seemed so very exceptionable, have instituted a mode

that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble Lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and, where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior, and he loses forever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two: *First, whether you ought to concede; and, secondly, what your concession ought to be.*

On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly.

The true *nature* and the peculiar *circumstances* of the object which we have before us; because, after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

(1) The first thing that we have to consider

with regard to the nature of the object, is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, besides at least five hundred thousand others, who form no inconsiderable part of the strength and opulence of the whole. This, sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, while the dispute continues, the exaggeration ends. While we are discussing any given magnitude, they are grown to it. While we spend our time in deliberating on the mode of governing two millions, we shall find we have two millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.[44]

I put this consideration of the present and

the growing numbers in the front of our deliberation; because, sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima*[45] which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and, be assured, you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce, indeed, has been trod some days ago, and with great

ability, by a distinguished person at your bar.[46] This gentleman, after thirty-five years—it is so long since he appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than that, to the fire of imagination and extent of erudition which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence, if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative state of the export trade of England to its colonies as it stood in the year 1704, and as it stood in the year 1772; the

other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world, the colonies included, in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an orignal manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.[47]

The export trade to the colonies consists of three great branches: the African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian, and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole, and, if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:



£6,509,000

6,024,000

£485,000

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mmerce, the colony trade
part; it is now (as a part
considerably more than a
This is the relative proper-

tion of the importance of the colonies of these two periods; and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.[48]

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough "*acta parentum jam legere et quæ sit poterit cognoscere virtus.*"[49] Suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that when, in the fourth generation, the third prince of the House of

Brunswick had sat twelve years on the throne of that nation, which, by the happy issue of moderate and healing councils, was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, while he enriched the family with a new one. If, amid these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and while he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him: "Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men and uncouth manners; yet shall, before you taste death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred

years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lived to see nothing to vary the prospect and cloud the setting of his day!

Excuse me, sir, if, turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, sir, to enter into these minute and particular details, because generalities, which, in all-other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our

colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burden of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed; but I must prescribe bounds to myself in a matter so vast and various.

(3) I pass, therefore, to the colonies in another point of view—their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has, some years ago, exceeded a million in value. Of their last harvest I am persuaded they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true

filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.[50]

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet, the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. While we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis' Straits—while we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold—that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is

the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that while some of them draw the line, and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people—a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things—when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection—when I reflect upon these effects —when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human con-

trivances melt, and die away within me. My rigor relents. I pardon something to the spirit of liberty.[51]

I am sensible, sir, that all which I have asserted in my detail is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will, of course, have some predilection for it. Those who wield the thunder of the State may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble, instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not

governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no farther hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence.

A farther objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole* America. I do not choose to cousume its strength along with our own, because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor

of force as an instrument in the rule of our colonies. Their growth and their utility have been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated.

But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce —I mean its temper and character. In this character of the Americans *a love of freedom* is the predominating feature, which marks and distinguishes the whole; and, as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for.

This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth, and this from a variety of powerful causes, which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, sir, is a nation which still, I hope, respects, and formerly adored her freedom. The colonists emigrated from you when this part of your character was most predominant [52]; and they took this bias and direction the moment they parted from your hands. They are, therefore, not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point which, by way of eminence, becomes the criterion of their happiness. It happened you know, sir, that the great contests for freedom in this country were, from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of

election of magistrates, or on the balance among the several orders of the State. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English Constitution, to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called the House of Commons. They went much farther: they attempted to prove (and they succeeded) that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must, in effect, themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with

their life-blood, those ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and, as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in these pleasing errors by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; [58] and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most averse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government, is so much to be sought in their religious tenets as in their history. Everyone knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favor and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very

existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a kind of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the southern colonies the

Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of *slaves*. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, among them, like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our

Gothic ancestors; such, in our days, were the Poles, and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, sir, to add another circumstance in our colonies, which contributes no mean part toward the growth and effect of this untractable spirit—I mean their *education.* In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people

in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane,[54] wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honorable and learned friend [the Attorney-General, afterward Lord Thurlow] on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the State, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance. Here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgov-

ernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll and months pass between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat the whole system. You have, indeed, "winged ministers" of vengeance, who carry your bolts in their pouches to the remotest verge of the sea.[55] But there a power steps in that limits the arrogance of raging passion and furious elements, and says: "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Koordistan as he governs Thrace;

nor has he the same dominion in Crimea and Algiers which he has at Broosa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, sir, from these six capital sources of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accomodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us, as guardians during a perpetual minority, than with any part of it in their own hands. But the question is not whether their spirit deserves praise or blame. What, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not

seen already? What monsters have not been generated from this unnatural contention? While every principle of authority and resistance has been pushed upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that it has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the Crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority. We never dreamed they could of themselves supply it, knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of

an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were

confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any farther experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have

no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are, to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration. I can think of but these three. Another has, indeed, been started—that of

giving up the colonies; but it met so slight reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The *first* of these plans, to change the spirit as inconvenient, by removing the causes, think is the most like a systematic proceeding It is radical in its principle, but it is attended with great difficulties, some of them little short as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses by men of weight, and received, not without applause, that in order to check this evil, it would be proper for the Crown to make no farther grants of land But to this scheme there are two objections The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the Crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect

of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian Mountains.[66] From thence they behold before them an immense plain, one vast, rich, level meadow—a square of five hundred miles. Over this they would wander without a possibility of restraint. They would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and

controllers, and of all the slaves that adhered them. Such would, and, in no long tim must be the effect of attempting to forbid as crime, and to suppress as an evil, the commar and blessing of Providence, "Increase ar multiply." Such would be the happy result an endeavor to keep as a lair of wild beas that earth which God by an express chart has given to the children of men. Far differen and surely much wiser, has been our polic hitherto. Hitherto we have invited our peopl by every kind of bounty, to fixed establis ments. We have invited the husbandman t look to authority for his title. We have taugh him piously to believe in the mysterious virtu of wax and parchment. We have thrown eac tract of land, as it was peopled, into districts that the ruling power should never be wholl out of sight. We have settled all we could and we have carefully attended every settle ment with government.

Adhering, sir, as I do, to this policy, as wel as for the reasons I have just given, I think thi new project of hedging in population to b neither prudent nor practicable.

To impoverish the colonies in general, anc in particular to arrest the noble course of thei

marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subject into submission. But, remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortunes of all states, when they who are too weak to contribute to your prosperity may be strong enough to com-

plete your ruin. "*Spoliatis arma supersunt.*"

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition. Your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent; or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world, and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less

impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists, yet I never could argue myself into an opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too, and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are,

and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempt at the same instant to publish his proclamation of liberty and to advertise the sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

> "Ye gods! annihilate but space and time,
> And make two lovers happy!"

was a pious and passionate prayer, but just as reasonable as many of these serious wishes of very grave and solemn politicians.

If, then, sir, it seems almost desperate to think of any alterative course for changing the

moral causes (and not quite easy to remove the natural) which produce the prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us, the *second* mode under consideration is to prosecute that spirit in its overt acts as *criminal.*

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice so this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual at the bar.[67] I am not ripe to

pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that, for wise men, this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states, under one common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority, the line may be extremely nice. Of course, disputes—often, too, very bitter disputes, and much ill blood, will arise. But, though every privilege is an exemption, in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior

power; for to talk of the privileges of a state or of a person who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded against his will or his acts, that his *whole* authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true sir; but I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until

I find myself in something more like a judici character. I must have these hesitations long as I am compelled to recollect that, in n little reading upon such contests as these, t sense of mankind has at least as often decid against the superior as the subordinate pow Sir, let me add, too, that the opinion of my ha ing some abstract right in my favor would n put me much at my ease in passing sentence, u less I could be sure that there were no righ which in their exercise under certain circur stances, were not the most odious of all wrong and the most vexatious of all injustice. Si these considerations have great weight wit me, when I find things so circumstanced that see the same party at once a civil litigar against me in point of right and a culprit b fore me; while I sit as criminal judge on act of his whose moral quality is to be decided o upon the merits of that very litigation. Me are every now and then put, by the complexit of human affairs, into strange situations; bu justice is the same, let the judge be in wha situation he will.

There is, sir, also a circumstance which cor vinces me that this mode of criminal proceed ing is not, at least in the present stage of ou

contest, altogether expedient, which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For, though rebellion is declared, it is not proceeded against as such; nor have any steps been taken toward the apprehension or conviction of any individual offender, either on our late or our former address; but modes of *public* coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility toward an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made toward our object by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder

abated? Nothing less. When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

If, then, the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open but the third and last—to comply with the American spirit as necessary, or, if you please, to submit to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see, of what nature the concessions ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a

kind totally different. Such an act may be a wise regulation, but it is no concession, whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle, but it is true. I put it totally out of the question. It is less than nothing in my consideration. I do not, indeed, wonder, nor will you, sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature; or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion; for

high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. The point is

> That Serbonian bog
> Betwixt Damieta and Mount Cassius old,
> Where armies whole have sunk.[58]

I do not intend to be overwhelmed in this bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?[59]

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their prosterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law. I am restoring tranquillity, and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is *to admit the people of our colonies into an interest in the Constitution*, and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean forever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something farther necessary, and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concessions freely confess that they hope no good from taxation, but they apprehend the colonists have farther views, and, if this point were conceded, they would instantly attack the Trade Laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and

cover to this design. Such has been the language even of a gentleman [Mr. Rice] of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue ribbon shall tell you that the restraints on trade are futile and useless; of no advantage to us, and of no burden to those on whom they are imposed; that the trade of America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the

colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counterguard and security of the laws of trade.

Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws [60]; for, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow the market for the Americans; but my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations, or that these commercial regulations are the true ground of the quarrel,

or that the giving way in any one instance of authority is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has, indeed, brought on new disputes on new questions, but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on

your conjectures. Surely it is preposterous at the very best. It is not justifying your anger by their misconduct, but it is converting your ill will into their delinquency.

But the colonies will go farther. Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that the fewer causes of dissatisfaction are left by government the more the subject will be inclined to resist and rebel?

All these objections being, in fact, no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable,

and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the Kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle (it was with all due humility and piety), I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though

never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of Parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil, and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us, at least, a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges.[61] Sir John Davis shows beyond a doubt, that the refusal of a general

communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature.[62] It was not English arms, but the English Constitution, that conquered Ireland. From that time, Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown: but you never altered their Constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, forever, by the glorious revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burden intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular

things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the Constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First.[68] But though then conquered, it was not looked upon as any part of the realm of England. Its old Constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of Lords Marchers

—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the State there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offend-

ers from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.[64]

Here we rub our hands—a fine body of precedents for the authority of Parliament and the use of it—I admit it fully; and pray add likewise to these precedents, that all the while Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burden; and that an Englishman travelling in that country could not go six yards from the highroad without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length

open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII., the course was entirely altered. With a preamble stating the entire and perfect rights of the Crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day-star of the English Constitution had arisen in their hearts, all was harmony within and without.

Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor:
Concidunt venti, fugiuntque nubes;
Et minax (quod sic voluere) ponto
Unda recumbit.[65]

The very same year the county palatine of Chester received the same relief from its oppressions and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II. drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you:

"To the King our sovereign lord, in most humble wise shown unto your excellent Majesty, the inhabitants of your Grace's county palatine of Chester; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of Parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the Commonwealth of their said country. (2) And, forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness and your most noble progenitors,

by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of Parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the Commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did Parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy, as religion, and not atheism, is the

true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district in which the British subjects may act as a body to be taxed without their own voice in the grant.

Now, if the doctrines of policy contained in these preambles, and the force of these examples in the acts of Parliament, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no com-

parison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham! But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How, then, can I think it sufficient for those which are infinitely greater and infinitely more remote?

You will now, sir, perhaps imagine that I am on the point of proposing to you a scheme for representation of the colonies in Parliament. Perhaps I might be inclined to entertain some such thought, but a great flood stops me in my

course. *Opposuit natura.* I cannot remove the eternal barriers of the creation. The thing in that mode I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation; but I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened, and there are often several means to the same end. What nature has disjoined in one way wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republic of Plato, not to the Utopia of More, not to the Oceana of Harrington. It is before me. It is at my feet.

> And the dull swain
> Treads daily on it with his clouted shoon.[66]

I only wish you to recognize, for the theory, the

ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament; and, as to the practice, to return to that mode which a uniform experience has marked out to you as best, and in which you walked with security, advantage, and honor, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant* and not by *imposition.* To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise;* and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply.*

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain

of my existence, that, if you admitted these, you would command an immediate peace; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution:

"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upward of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses or others to represent them in the high court of Parliament."

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the Constitution: it is taken nearly *verbatim* from acts of Parliament.

The second is like unto the first:

"That the said colonies and plantations have been liable to and bounden by several subsidies, payments, rates, and taxes,

given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme Legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of Parliament.

> Nec meus hic sermo est sed quæ præcipit Ofellus
> Rusticus, abnormis sapiens.[67]

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace.[68] I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and un-

stable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure, is safe.

There are, indeed, words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case, although Parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they considered nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that con-

stitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoy such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George II.? Else why were the duties first reduced to one third in 1764, and afterward to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you, for the ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribbon, now standing on your journals, the strongest of all proofs that Parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is:

"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies."

This is an assertion of a fact. I go no farther on the paper; though in my private judgment, a useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us, but I abstain from opinions.

The fourth resolution is:

"That each of the said colonies hath within itself a body chosen in part or in the whole, by the freemen, freeholders, or other free inhabitance thereof, commonly called the General Assembly, or General Court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes toward the defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his Majesty"; and acts granting to the Crown have regularly for near a century passed the public offices without dispute. Those who have been pleased parodoxically to deny this right, holding that none but the British Parliament can grant to the Crown, are wished to look to what is done, not

only in the colonies, but in Ireland, in one uniform, unbroken tenor every session.[69]

Sir, I am surprised that this doctrine should come from some of the law servants of the Crown. I say that if the Crown could be responsible, his Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually the colonies, are in a habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys, and all solicitors-general! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact:

"That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of State. And that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament."

To say nothing of their great expenses in the

Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695, not to go back to their public contributions in the year 1710, I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact authenticated by parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

"*Resolved*, That it is the opinion of this committee, *that it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the Crown of Great Britain the Island of Cape Breton and its dependencies."

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the King came to us to this effect:

"His Majesty being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message; but with the farther addition, that the money then voted was an *encouragement* to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals: Vol. xxvii., 16th and 19th May, 1757; vol. xxviii., June 1st, 1758—April 26th and 30th, 1759—March 26th and 31st, and April 28th, 1760—January 9th and 20th, 1761; vol. xxix., January 22d and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of Parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that de-

serve reprehension. My resolution, therefore, does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own, and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House that the colonies were then in debt two million six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the

debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burdens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a *revenue by grant.* Now search the same journals for the produce of the *revenue by imposition.* Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What, can none of the many skilful index-makers that we are now employing, find any trace of it? Well, let them and that rest together. But, are the journals, which say nothing of the revenue, as silent on the discontent? Oh, no! a child may find it. It is the melancholy burden and blot of every page.

I think, then, I am, from those journals, justified in the sixth and last resolution, which is:

"That it hath been found by experience that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said colonies."

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the State without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now on all this accumulated matter, is—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner:

"That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, entitled An Act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America, and for more effectually preventing the clandestine running of goods in the said colonies and plantations; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading, or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of Massachusetts Bay, in New England; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act for the better regulating the

government of the province of Massachusetts Bay, in New England; and also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, An Act for the trial of treasons committed out of the King's dominions."

I wish, sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the King's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the Crown has far less power in the two former provinces than it enjoyed in

the latter; and though the abuses have been full as great and as flagrant in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it, as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the Governor to change the Sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies, and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation, and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to

confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the Crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, sir, I propose the following resolution:

"That, from the time when the General Assembly or General Court of any colony or plantation in North America, shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the Chief Justice and other judges of the Superior Court, it may be proper that the said Chief Justice and other judges of the Superior Courts of such colony, shall hold his and their office and offices during their good behavior, and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the General Assembly, or on a complaint from the Governor, or Council, or the House of Representatives severally, of the colony in which the said Chief Justice and other judges have exercised the said offices."

The next resolution relates to the Courts of Admiralty. It is this:

"That it may be proper to regulate the Courts of Admiralty, or Vice Admiralty, authorized by the 15th chapter of the 4th of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said

courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away. They are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential propositions. I have thought of two or three more, but they come rather too near detail, and to the province of executive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly encumbrances on the building, than very materially detrimental to its strength and stability.

Here, sir, I should close, but that I plainly perceive some objections remain, which I

ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of Parliament, and not mine;* and that all false and inconclusive inferences drawn from them are not mine, for I heartily disclaim any such inference. I have chosen the words of an act of Parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these

preambles are as favorable as possible to both, when properly understood; favorable both to the rights of Parliament, and to the privilege of the dependencies of this crown? But, sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies, and which, therefore, falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure* or *de facto* bound, the preambles do not accurately distinguish; nor indeed was it necessary; for, whether *de jure* or *de facto*, the Legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is, besides, a very great mistake to imagine that mankind follow up practically any speculative principle, either

of government or freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter.[70] We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away "the immediate jewel of his soul."[71] Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights and all the intrinsic dignity of human nature. None of us who

would not risk his life rather than fall under a government purely arbitrary. But, although there are some among us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man.*[72] Man acts from adequate motive relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments as the most fallacious of all sophistry.[73]

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending Legislature, when they see them the acts of that power which is itself the security, not the rival, of their secondary im-

portance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens, some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means, nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head, but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent Legislature, which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion and the communication of English

liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble Lord [Lord North] on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the committee.

First, then I cannot admit that proposition of a ransom by auction, because it is a mere

project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the Constitution. It is neither regular parliamentary taxation nor colony grant. "*Experimentum in corpore vili*"[74] is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal, in the end, to our Constitution. For what is it but a scheme for taxing the colonies in the ante-chamber of the noble Lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, sir, may flatter yourself you shall sit a state auctioneer with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble Lord) the true proportional payment for four or five-and-twenty governments according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burden, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota

must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing farther. For on what grounds can you deliberate, either before or after the proposition. You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon. It gives me pain to mention it; but you must be sensible that you will *not perform* this part of the contract. For, suppose the colonies were to lay the duties which furnished their contingent upon the importation of your manufactures? you know you would never suffer such a tax to be laid. You know, too, that you would not

suffer many other modes of taxation; so that when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the mode, nor, indeed, any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled, to say nothing of the impossibility, that colony agents should have general powers of taxing the colonies at their discretion? Consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition will remain taxed only to your old

impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota. How will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clew to lead you out of it? I think, sir, it is impossible that you should not recollect that the colony bounds are so implicated in one another

(you know it by your own experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered, that either in the present confusion you settle a permanent contingent which will and must be trifling, and then you have no effectual revenue; or, you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a Treasury Extent [75] against the failing colony. You must make new Boston Port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new

fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or another must consume this whole Empire. I allow, indeed, that the Empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the Empire, and the army of the Empire, is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble Lord who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies than for establishing a revenue. He confessed that he apprehended that his proposal would not be to *their taste.* I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble Lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But, whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other, full of perplexed and intricate mazes. This is mild; that, harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other, calculated for certain colonies only. This is immediate in its conciliatory operation; the other, remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this Empire. I now go so far as to risk a proposal of my own. If I

cannot give peace to my country, I give it to my conscience.

But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does—for it secures to the subject the power of REFUSAL—the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 11*s.* 2¾*d.*, nor any other paltry limited sum, but it gives the strong box itself, the fund, the bank, from whence only revenues can arise among a people sensible of freedom: *Posita luditur arca.*[76]

Cannot you in England; cannot you at this time of day; cannot you—a House of Commons—trust to the principle which has raised so mighty a revenue, and accumulated a debt of near one hundred and forty millions in this country? Is this principle to be true in England and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that in any country, a body duly constituted for any

functions will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire, which all men have naturally, of supporting the honor of their own government, that sense of dignity, and that security of property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters, but Government

keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that Government will not be supplied; whereas, whatever is got by acts of absolute power, ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious.

> "Ease would retract
> Vows made in pain, as violent and void."

I, for one, protest against compounding our demands. I declare against compounding, for a poor limited sum, the immense ever-growing, eternal debt which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom or in the way of compulsory compact.

But to clear up my ideas on this subject; a revenue from America transmitted hither—do not delude yourselves—you never can receive it —no, not a shilling. We have experienced that from remote countries it is not to be ex-

pected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties *here*, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation; I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade or empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which

grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government; they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship Freedom, they will turn their faces toward you. The more they multiply, the more friends you will have. The more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain; they may have it from Prussia; but, until you become lost to all feeling of your true interest and your

natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.[78]

Is it not the same virtue which does every thing for us here in England?

Do you imagine then, that it is the Land Tax[79] which raises your revenue? that it is the annual vote in the Committee of Supply, which gives you your army? or that it is the Mutiny Bill,[80] which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their Government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing and all in all. Magnanimity in politics is not seldom the truest wis-

dom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceeding on America with the old warning of the church, *sursum corda!*[81] We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now, *quod felix faustumque sit*,[82] lay the first stone in the temple of peace; and I move you,

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upward of free inhabitants, have

not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

On the first resolution offered by Mr. Burke the votes in favor of it were only 78 while those against it were 270. The other resolutions were not put to vote. This may be regarded as the final answer of the House of Commons to all attempts to save the colonies except by force. The policy of war was thus adopted, with what result the world very well knows.

ILLUSTRATIVE NOTES.

NOTE 1, p. 8.—Ever since the Norman Conquest the royal assent to measures of Parliament has been given in a form from which there has been no variation. To "public bills" the words attached are "*le roy le veult*"; to petitions, "*soit droit fait comme il est désiré*"; and for grants of money, "*the King heartily thanks his subjects for their good wills.*" In the present instance, instead of *soit droit fait comme il est désiré*, the King caused to be appended to the petition, "The King willeth that right be done according to the laws and customs of the realm; that the statutes be put into due execution; and that his subjects may have no cause to complain of any wrong or oppressions contrary to their just rights and liberties, to the preservation whereof he holds himself in conscience as well obliged, as of his own prerogative."—Rushworth, i., 588. On the forms of royal assent see the learned account by Selden in "Parliamentary History," viii., 237.

NOTE 2, p. 9.—Rushworth, i., 591. The version of Eliot's speech given by Rushworth is the one ordinarily reprinted in modern collections. But in the papers of the Earl of St. Germans, a descendant of Sir John Eliot, Mr. John Forster, some years ago, found a copy of the speech corrected by Eliot himself while in prison. This form, much superior to the others, is the one here reproduced.

NOTE 3, p. 16.—Eliot, in the expression, "want of councils," doubtless alludes to the absorption of the various powers of the State by Buckingham. The allusion was not without

reason, as the list of Buckingham's titles shows. He was: Duke, Marquis, and Earl of Buckingham, Earl of Coventry, Viscount Villiers, Baron of Whaddon, Great Admiral of England and Ireland, etc., etc., etc., Governor-General of the Seas and the Ships of the same, Lieutenant-General Admiral, Captain-General and Governor of his Majesty's fleet and army, etc., Minister of the House, Lord Warden, Chancellor, and Admiral of the Cinque Ports, etc., Constable of Dover Castle, Justice in Eyrie of the Forest of Chases on this side of the Trent, Constable of the Castle of Windsor, Gentleman of the Bedchamber, Knight of the Garter, Privy Councillor, etc. The royal domains that he had managed to have given to him brought an income of £284,395 a year. All this was so much drawn from the public treasury. See Bradie's "Constitutional History," new edition, vol. i., p. 424, and Guizot, "Charles I.," Bohn's ed., p. 15.

NOTE 4, p. 17.—The Elector Palatine, Frederick V., had married Elizabeth, the daughter of James I., of England, and by his election as King of Bohemia, became in a certain sense the representative and head of the Protestant party in Germany at the outbreak of the Thirty Years' War in 1618. His cause was badly managed at home, and still more wretchedly managed in England. Constantly deluded with hopes of support from the great Protestant power in the North, he was doomed to perpetual disappointment. His cause was shattered at the first serious conflict at White Mountain in 1620, and he was obliged to flee to Holland for his life. Twelve thousand English troops were subsequently sent to the support of Mansfeldt, but they were so ill managed that they nearly all perished before they could be of any assistance. The sacrifice of "honor" and of "men" was most abundant.

NOTE 5, p. 17.—In 1627 Richelieu was engaged in the work of reducing La Rochelle, the stronghold of the Huguenots, into subordination to the King of France. The

work had to be done by means of a siege, which included the construction of a dyke across the mouth of the harbor. Buckingham, inflamed with resentment against Richelieu, for personal reasons, determined to relieve the Rochellois. He collected a hundred ships and seven thousand land forces, and advanced to the rescue. But on reaching the scene of action, instead of advancing immediately to relieve the beleaguered city, he disembarked on the Isle of Rhée, and contented himself with issuing a proclamation, calling upon all French Protestants to arise for a relief of their brethren. The result was two-fold. In the first place, La Rochelle, after one of the most memorable sieges in all history, was reduced; and, secondly, the cause of Protestantism in France was completely crushed. In response to Buckingham's call, the Protestants everywhere arose; but Richelieu was now at leisure to destroy them, and thus their last hope perished.

NOTE 6, p. 17.—The beauty of this allusion to the policy and the power of Queen Elizabeth has very justly been greatly admired. Nothing could have been more adroit than Eliot's comparison of the ways of Elizabeth with those of Buckingham.

NOTE 7, p. 20.—Having now come to the third division of his subject, "The insufficiency of our generals," Eliot naturally pauses before dragging Buckingham personally upon the scene. But for what follows the Duke was personally responsible.

NOTE 8, p. 21.—In 1625 an expedition of eighty sail had been fitted out for the purpose of intercepting the Spanish treasure ships from America. But by reason of the incompetency of the commander there was no concert of action in the fleet, and the treasure ships escaped, though seven of them that would have richly repaid the expedition might easily have been taken. But not wishing to return empty handed, the

commander effected a landing near Cadiz. The soldiers broke open the wine-cellars and became so drunk that when the commander determined to withdraw, several hundred were left to perish under the knives of the peasants.

NOTE 9, p. 24.—What the orator contemptuously calls the "journey to Algiers," was nothing less than an expedition sent out for its conquest. But it fared like the most of Buckingham's other "journeys." The Algerines turned upon the English; and thirty-five ships engaged in the Mediterranean trade were destroyed, and their crews sold into slavery.

NOTE 10, p. 43.—For powers and privileges of the early English Parliaments, see Stubbs, ii., §§ 220–233, and 271–298. Also on the right of Parliament to make a grant depend on redress of grievances, Hallam: "Mid. Ages," Am. ed., iii., p. 84, *seq*. It is a curious fact that in the Early Middle Ages there was a very general reluctance on the part of towns to send representatives. Hallam: "Mid. Ages," iii., 111. Cox: "Ant. Parl. Elections," 84, 93, 98. Todd: "Parl. Govt.," ii., 21. Hearn: "Govt. in Eng.," 394–407.

NOTE 11, p. 43.—Bagehot, in his remarkable work on the English Constitution (p. 133) lays much stress on what he calls "the teaching" and "informing" functions of the House of Commons. "In old times one office of the House of Commons was to inform the Sovereign what was wrong."

NOTE 12, p. 45.—There is a remarkable letter written by Thomas Allured, a member of the Parliament of 1628, which describes what took place on the day alluded to. The letter is preserved in Rushworth's Hist., Coll. i., 609–10, and in part is reproduced in Carlyle's Cromwell, i., 46. After saying that "Upon Tuesday, Sir John Eliot moved that as we intended to furnish his Majesty with money, we should also supply him with counsel," he says: "But next day, Wednesday, we had a message from his Majesty, by the Speaker 'that we should husband the time and despatch our old business without enter-

tertaining new.' Yesterday, Thursday morning, a new message was brought us, which I have here inclosed, which, requiring us not to cast or lay any aspersion on any Minister of his Majesty, the House was much affected thereby. Sir Robert Philips, of Somershire, spoke and mingled his words with weeping. Mr. Pym did the like. Sir Edward Cook, overcome with passion, seeing the desolation likely to ensue, was forced to sit down, when he began to speak, by abundance of tears. Yea, the Speaker in his speech could not refrain from weeping and shedding of tears, besides a great many others whose grief made them dumb. But others bore up in that storm and encouraged the rest." The writer then states how the House resolved itself into a Committee, how the Speaker who was in close communication with the King, asked for leave to withdraw for half an hour, and how "It was ordered that no other man leave the House on pain of going to the Tower." He then continues: "Sir Edward Cook told us 'He now saw God had not accepted of our humble and moderate carriages and fair proceedings; and he feared the reason was, we had not dealt sincerely with the King and country, and made a true representation of all these miseries, which he, for his part, repented that he had not done sooner. And, therefore, not knowing whether he should ever again speak in this House, he would now do it freely; and so did here protest, that the author and cause of all these miseries was the DUKE OF BUCKINGHAM,' which was entertained and answered with a cheerful acclamation of the House. As when one good hound recovers the scent, the rest come in with full cry, so they pursued it, and every one came home, and laid the blame where he thought the fault was. And as we were putting it to the question whether he should be *named* in our *Remonstrance*, as the chief cause of all our miseries at home and abroad, the Speaker having been, not half an hour, but three hours absent, and with the King, returned, bringing this message:

'That the House should then rise, adjourn till the morrow morning, no Committee sit or other business go on in the interim.' What we expect this morning, God in heaven knows! We shall meet betimes this morning, partly for the business' sake, and partly because two days ago we made an order, that whoever comes in after Prayers shall pay twelve pence to the poor."

The events alluded to by Pym in this rapid indictment are all given in considerable detail in "Parl. Hist.," ii., 442–525. On the 2d of March, when Eliot moved a new Remonstrance, the Speaker refused to put the motion, alleging an order from the King. The House insisted, whereupon he was about to leave the Chair. Holles, Valentine, and some others forced him back into it. "God's wounds," said Holles, "you shall sit till it please the House to rise." And much else of a similar nature. "Parl. Hist.," ii., 487–491.

NOTE 13, p. 47.—The moderation of Pym in this part of his speech will appear evident to every one at all familiar with the course of events under the influence of Laud. A brief but excellent account of the influence of that prelate's policy is given by Guizot, *Eng. Rev.*, Bohn ed., pp. 49–59.

NOTE 14, p. 50.—The particular privileges here enumerated were all contrary to the statute passed in the reign of Elizabeth. The significance of the tolerance of Catholics was chiefly in the fact that during the same time the *Protestant* Nonconformist was subjected to every indignity for refusing to bow his conscience to the prescribed formula of doctrine and ceremony. Laud's favor toward the Catholics was so marked that the Pope offered him a Cardinal's hat. Laud's "Diary," p. 49.

NOTE 15, p. 51.—The most notorious cases were Dr. Montague and Dr. Mainwaring, who both received rich benefices and afterwards became Catholics. A daughter of the Duke of Devonshire entered the Catholic Church. When

Laud asked for her reasons she responded: "I hate to be in a crowd, and as I perceive your Grace and many others are hastening toward Rome, I want to get there comfortably by myself before you."

NOTE 16, p. 52.—The Crown and the Archbishop regarded Sunday "simply as one of the holidays of the Church," and encouraged the people in pastimes and recreations. A "Book of Sports" had been issued in the time of James I., pointing out the amusements the people might properly indulge in. Laud now ordered that every minister should read the declaration in favor of Sunday pastimes from the pulpit. Some refused. One had the wit to obey, and to close his reading with the declaration: "You have heard read, good people, both the commandment of God and the commandment of man. Obey which you please." As the result of disobeying the command, however, many were silenced or deposed. In the diocese of Norwich alone, thirty clergymen were expelled from their cures. See Green: "Hist. of Eng. Peo.," Eng. ed., iii., 160.

NOTE 17, p. 54.—Of this part of Pym's speech Mr. Forster says: "A more massive document was never given to history. It has all the solidity, weight, and gravity of a judicial record, while it addresses itself equally to the solid good sense of the masses of the people, and to the cultivated understandings of the time. The deliberative gravity, the force, the broad, decided manner of this great speaker, contrast forcibly with those choice specimens of awkward affectations and labored extravagances, that have not seldom passed in modern times for oratory." "Life of Pym," p. 99.

NOTE 18, p. 58.—The seventh and twelfth of James I. were 1610 and 1615.

NOTE 19, p. 58.—The Thirty Years' War in the Palatinate in which the sons-in-law of James I. were the representative of the Protestant cause.

NOTE 20, p. 62.—A partial list of fines imposed between 1629 and 1640 is given in Guizot, *Eng. Rev.*, 445. The list includes "Hillyard, for having sold saltpetre, £5,000"; "John Averman, for not having followed the King's orders in the fabrication of soap, £13,000"; "Morley, for having struck Sir George Thesbold within the precinct of the Court, £10,000"; and a vast number of other similar ones.

NOTE 21, p. 64.—The tax known as ship money, which had its origin in the necessity of universal defence when the country was threatened with invasion was attempted by Charles but resisted by John Hampden. The case went to trial, and the judges by a bare majority decided in favor of the legality of the tax. The decision is, however, not now regarded as having been correct. The case is reviewed in Hallam, "Con. Hist.," i., 430.

NOTE 22, p. 65.—The "bounds and perambulations" were the boundary marks and legally established roads and paths. This was at a time when there were very few, if any, inclosures. The possibilities of dispute were taken advantage of by the Government in a way that was enormously oppressive. For example, the Earl of Salisbury was fined £20,000 for "encroachments," Westmorland £19,000, etc. Guizot: *Eng. Rev.*, 445.

NOTE 22*a*, p. 68.—The application of this grievance was particularly burdensome in the vicinity of London. Exemption from demolition was purchased by the immediate payment of fine amounting to a three years' tax.

NOTE 23, p. 69.—The King had specifically agreed in the "Petition of Right" to correct the grievance here complained of. And yet it continued after eleven years to be "a growing evil."

NOTE 24, p. 72.—The "projectors" referred to were those undertaking monopolies. The "referees" were law officers appointed by the Crown to decide all legal questions arising in

regard to monopolies. In 1621 Buckingham threw the blame of all irregularities in the matter of monopolies on the "referees," and, on motion of Cranfield, a Parliamentary inquiry was made into their conduct. The matter is explained in Gardiner's "History of England," 2d ed., iv., 48; and in Church's "Bacon," 128.

NOTE 25, p. 82.—The reader who has followed this speech so far certainly will not be surprised that Pym at length experienced some "confusion of memory." The "opportunity" was never afforded, as parliament was dissolved within three days.

NOTE 26, p. 100.—The reference here is to Lord Bute, whose influence with the King had secured the overthrow of Pitt's ministry in 1761. Bute was a politician whose chief power was in his gifts for intrigue. Though for these very qualities he was liked by the King, he was detested by the people,—as Macaulay says,—"by many as a Tory, by many as a favorite, and by many as a Scot." For a long time it was not prudent for him to appear in the streets without disguising himself. The populace were in the habit of representing him by "a jackboot, generally accompanied by a petticoat." This they paraded as a contemptuous pun on his name, and ended by fastening it on the gallows or committing it to the flames. Pitt had been charged with prejudice against Bute on account of his being a Scotchman. It was to refute this charge that he alludes to his having been the first to employ the Scotch Highlanders.

NOTE 27, p. 104.—This whole passage may well be compared with that on the same subject in Lord Mansfield's speech on p. 150. Compare also the argument of Burke on American Taxation.

NOTE 28, p. 105.—This is believed to be the first reference made in Parliament to the necessity of legislative reform. The younger Pitt advocated a reform during the early years

of his career; but the horrors of the French Revolution so shocked public opinion, that no change for the better could be made until the Ministry of Earl Grey in 1832.

NOTE 29, p. 110.—It was not until the reign of Henry VIII. that the right of representation in Parliament was extended to Wales, and the counties of Chester and Monmouth. To the county of Durham the right was not given till 1673. Until these counties were represented, they were not directly taxed except for purely local purposes.

NOTE 30, p. 114.—One of the speakers, Mr. Nugent, had said that "a pepper-corn, in acknowledgment of the right to tax America, was of more value than millions without it."

NOTE 31, p. 126.—The capitulation of Burgoyne's army took place October 17, 1777, just one month before the delivery of Chatham's speech. There was still much doubt in England in regard to the magnitude of the disaster.

NOTE 32, p. 132.—Negotiations had been going on between the colonies and France for more than a year, though this fact, of course, was not known in England. Silas Deane had been appointed Commissioner to France even before the Declaration of Independence. In Nov. of 1776, Lee and Franklin were appointed by Congress to negotiate a treaty of friendship and commerce with the French king. But the French were wary of alliance, though they were willing to wink at the secret arrangements by which supplies were furnished by Beaumarchais. These supplies, furnished in the autumn of 1777, were detained, and did not reach America in time to prevent the terrible sufferings at Valley Forge in the following winter. When news of Burgoyne's surrender reached France, the French Government no longer hesitated, and a final treaty by which France acknowledged the Independence of the United States was signed on the 6th of February, 1778. For most interesting and authentic details, see Parton's "Life of Franklin," vol. ii., ch. vii.

NOTE 33, p. 140.—The walls of the old room in which the House of Lords assembled were covered with tapestries, one of which represented the English fleet led out to conflict with the Spanish Armada by Lord Effingham Howard, an ancestor of Lord Suffolk.

NOTE 34, p. 160.—This argument of Mansfield drawn from the Navigation Acts is fully refuted by Burke in his speech on "American Taxation." Burke takes the ground that none of these acts were passed for the sake of revenue, but that all of them were designed simply to give direction to trade. He also shows that there is a marked distinction between *external* and *internal* taxation. The whole of Burke's speech may well be read with profit in connection with that of Mansfield.

NOTE 35, p. 164.—This reference is probably to James Otis' volume published in London in 1765, entitled: "The Rights of the Colonies Asserted and Proved." It had previously been published in Boston, after having been read in MS. in the Massachusetts House of Representatives. The instructions of May, 1764, contained in the appendix were drawn up by Samuel Adams. It is possible, however, that the orator referred to Otis' "Vindication of the Conduct of the House of Representatives of the Province of Mass. Bay," which had appeared in 1762, and which contained in a nutshell the whole American cause. John Adams said of it: "Look over the Declarations of Rights and Wrongs issued by Congress in 1774; look into the Declaration of Independence of 1776; look into the writings of Dr. Price and Dr. Priestley. Look into all the French Constitutions of Government; and, to cap the climax, look into Mr. Thomas Paine's 'Common Sense,' 'Crisis,' and 'Rights of Man,' and what can you find that is not to be found in this Vindication of the House of Representatives?" During the same year also, Otis published "A Vindication of the British Colonies," and "Considerations on behalf of the Colonists,

in a letter to a Noble Lord." The London reprint of the "Vindication of the British Colonies" was accompanied with the statement: "This tract is republished, *not for any excellence of the work, but for the eminence of the author.*" We see here the leader in the American disputes declaring the universal opinion of the Colonies against the authority of the British Parliament.

NOTE 36, p. 185.—This exordium is almost bad enough to justify Hazlitt's remark: "Most of his speeches have a sort of parliamentary preamble to them; there is an air of affected modesty and ostentatious trifling in them; he seems fond of coquetting with the House of Commons, and is perpetually calling the Speaker out to dance a minuet with him before he begins."

NOTE 37, p. 185.—This was an Act to restrain the Commerce of the Provinces of New England, and to confine it to Great Britain, Ireland, and the British West Indies.

NOTE 38, p. 187.—Reference is made to the Repeal of the Stamp Act, which took place in Rockingham's Administration by a vote of 275 to 161.

NOTE 39, p. 189.—This rather striking thought was firmly implanted in Burke's mind. In his paper on "Present Discontent," he apologized for "stepping a little out of the ordinary sphere" of private people. In one of his letters he says: "We live in a nation where, at present, there is scarce a single head that does not teem with politics. Every man has contrived a scheme of government for the benefit of his fellow-subjects."

NOTE 40, p. 191.—It must be confessed this is a little pompous. Burke's scheme was simply to yield to the colonies what they claimed, and it was not good policy to pronounce such an encomium on it in advance. There were those who said: "On this simple principle of granting every thing required, and stipulating for nothing in return, we can terminate every difference throughout the world."

NOTE 41, p. 191.—The Congress of Philadelphia in 1774 declared that after the Repeal of the Stamp Act the colonies "fell into their ancient state of unsuspecting confidence in the mother country." Burke comments on this statement in his letter to the Sheriffs of Bristol in 1777.

NOTE 42, p. 192.—Lord North's plan of conciliation, already described in the introduction to this speech.

NOTE 43, p. 193.—The address to the King declaring that rebellion existed in Massachusetts, requesting the King to take energetic measures to suppress it, and pledging the coöperation of Parliament.

NOTE 44, p. 196.—The computation carefully made by Mr. Bancroft ("Hist.," 8vo ed., vol. iv., p. 128) more than justifies Burke's figures. Bancroft gives the following:

	White.	Black.	Total.
1750	1,040,000	220,000	1,260,000
1754	1,165,000	260,000	1,425,000
1760	1,385,000	310,000	1,695,000
1770	1,850,000	462,000	2,312,000
1780	2,383,000	562,000	2,945,000
1790	3,177,257	752,069	3,927,326

See Johnson's "Taxation no Tyranny" (Works, x., 96) in which he savagely speaks of "3,000,000 Whigs, fierce for liberty, which multiply with the fecundity of their own rattlesnakes." He thought the eggs should be destroyed.

NOTE 45, p. 197.—Reference to the legal maxim, "*De minimis non jurat lex.*"

NOTE 46, p. 198.—Mr. Glover who appeared at the bar to support a petition of the West Indian planters praying that peace might be concluded with the colonies.

NOTE 47, p. 199.—Davenant afterward published a somewhat important work entitled "Discourses on Revenue and Trade," and it was probably the MS. of this to which Burke referred.

NOTE 48, p. 202.—Burke's reasoning has been more than justified by subsequent history. Cobden: "Writings," i., 98, more than fifty years after Burke spoke, declared: "The people of the United States constitute our largest and most valuable connection. The business we carry on with them is nearly twice as extensive as that with any other people." The American official returns since 1850 show that more than one third of the imports came from England, and that more than one half of the exports go to England.

NOTE 49, p. 202.—A curious adaptation from Virgil. Ecl. iv., 26. If, while he was changing *parentis* to *parentum* he had omitted *poterit*, he would at least have left a good Latin sentence. But Burke quoted from memory and was often inexact, not only in the choice of words, but also in pronunciation. Harford relates that he was once indulging in some very severe animadversions on Lord North's management of the public purse. While this philippic was going on, North appeared to be half-asleep, "heaving backward and forward like a great turtle." Burke introduced the aphorism: *magnum vectigal est parsimonia*, putting a wrong accent on the second word and calling it *véctigal*. The scholarly ear of North was sufficiently attentive to catch the mistake, and he shouted out *vectígal*. "I thank the noble lord," responded Burke, "for the correction, more particularly as it gives me the opportunity to repeat what he greatly needs to have reiterated upon him. He then thundered out: "*Magnum vectígal est parsimonia.*"

NOTE 50, p. 206.—In allusion to the well-known story told at length by Valerius Maximus, lib. v., 7; and in briefer form by Pliny, "Nat. Hist.," vii., 36.

NOTE 51, p. 208.—The whole of this magnificent passage was founded upon very substantial facts. Massachusetts had 183 vessels, carrying 13,820 tons in the North, and 120 vessels, carrying 14,026 tons in the South. It was in 1775,

the very year of Burke's speech, that English ships were first fitted out to follow the Americans into the fisheries of the South Seas. See *Quarterly Review*, lxiii., 318.

NOTE 52, p. 211.—At the time of the great struggle against the Stuarts. In the *Annual Register*, for 1775, p. 14, Burke says: "The American freeholders at present are nearly, in point of condition, what the English yeomen were of old when they rendered us formidable to all Europe, and our name celebrated throughout the world. The former, from many obvious circumstances, are more enthusiastical lovers of liberty than even our yeomen were."

NOTE 53, p. 213.—The differences here indicated are fully explained in Marshall's "American Colonies," Story "On the Constitution," Lodge's "English Colonies in America," and more briefly in vol. iv., chap. vi., of Bancroft. It is noteworthy that it was not in the most democratic forms of government that the most violent resolutions were passed. See *Ann. Reg.* for 1775, p. 6.

NOTE 54, p. 218.—General Gage had prohibited the *calling* of town meetings after August 1, 1774. The meetings held before August 1st were adjourned over from time to time, and consequently there was no need of "*calling*" meetings. Gage complained that by such means they could keep their meetings alive for ten years. See Bancroft, vii., chap. viii., and *Ann. Reg.*, 1775, p. 11.

NOTE 55, p. 219.—The "*ministrum fulminis alitem*" of Horace, bk. iv., ode i.

NOTE 56, p. 227.—In 1766, Lieutenant-Governor Fauquier had written to the Lords in Trade: "In disobedience to all proclamations, in defiance of law, and without the least shadow of right to claim or defend their property, people are daily going out to settle beyond the Alleghany Mountains." Migration hither was prohibited. "But the prohibition only set apart the Great Valley as the sanctuary of the unhappy,

the adventurous, and the free; of those whom enterprise, or curiosity, or disgust at the forms of life in the old plantations raised above royal edicts." Bancroft, vi., 33.

NOTE 57, p. 233.—Reference is made to the brutal attack of Sir Edward Coke upon Sir Walter Raleigh, the details of which are given in Howell's "State Trials," ii., 7.

NOTE 58, p. 240.—Milton's "Paradise Lost," ii., 594.

NOTE 59, p. 240.—This passage has been much admired for the skill with which Burke excludes the general question of the right of taxation, and confines himself to the expediency of particular methods. But this was in accordance with all of Burke's political philosophy. In his "Appeal from the Old to the New Whigs," he announces the principle which governs him in all such cases: "Nothing universal can be rationally affirmed on any moral or any political subject. Pure methaphysical abstraction does not belong to these matters. The lines of morality are not like ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. *Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all.*"

NOTE 60, p. 244.—The pamphlet from which Lord North "seems to have borrowed these ideas," was by Dean Tucker, a work to which, Dr. Johnson in "Taxation no Tyranny," (Works, x., 139) pays his respects, and which Burke had alluded to in no very complimentary terms in his speech on "American Taxation." But Mr. Forster, in his "Life of Goldsmith," i., 412, speaks of Tucker as "the only man of that day who thoroughly anticipated the judgment and experience of our own on the question of the American colonies." The fact is that Tucker was a "free trader," and was in favor of the establishment of complete freedom of trade, as the best that

could possibly be done with the colonies. To an account of Dean Tucker's pamphlets several interesting pages are given in Smyth's "Modern History," Lecture xxxii., Am. ed., p. 571, *seq.*

NOTE 61, p. 248.—The English settlers in Ireland were obliged to keep themselves within certain boundaries known as "The Pale." They were distinct from the Irish, and were governed by English lords. By an act in the time of James I., the privileges of the Pale were first extended to the rest of Ireland.

NOTE 62, p. 249.—In 1612, Sir John Davis, who had been much in Ireland, and knew Irish affairs better than any other person in his time, published a book entitled: "Discoverie of the true Causes why Ireland was never entirely subdued until the beginning of his Majestie's happy reign."

NOTE 63, p. 250.—Under Henry III., Wales was ruled by its own Prince Llewellen, who secured the assistance of Henry against a rebellious son, and as a reward acknowledged fealty as a vassal. It was not till Edward I., that the conquest was completed. O'Connell once said: "Wales was once the Ireland of the English Government," and then proceeded to apply to Ireland what Burke here says of Wales.—"O'Connell's speech of Aug. 30, 1826."

NOTE 64, p. 252.—When the reduction to order of Wales was found impossible by ordinary means, the English King granted to the Lords Marchers "such lands as they could win from the Welshmen." On these lands the lords were allowed "to take upon themselves such prerogative and authority as were fit for the quiet government of the country." About the castles of the Lords Marchers grew up the towns of Wales. Within their domains they exercised English laws; but on the unconquered lands the old Welsh laws still prevailed. The courts, therefore, had to administer both forms of law, and there was consequently great confusion even in the most peaceful times. There were fifteen acts of penal regulation, pro-

viding that no Welshman should be allowed to become a burgess, or purchase any land in town. Henry IV., ii., chaps. xii.-xx. In the time of Edward I., the special privileges of the Lords Marchers were swept away. See Stubbs' "Con. Hist.," 8vo ed., i., 514-520, and ii., 117-137; Scott's "Betrothed," and the Appendix to Pennant's "Tour in Wales."

NOTE 65, p. 254.—Horace, "Odes," bk. i., 12, 27. The allusion is to the deification of Augustus and the superintending influence of Castor and Pollux. The passage was translated by Gifford thus:

> "When their auspicious star
> To the sailor shines afar,
> The troubled waters leave the rocks at rest;
> The clouds are gone, the winds are still,
> The angry wave obeys their will,
> And calmly sleeps upon the ocean's breast."

NOTE 66, p. 258.—Milton's "Comus," l. 633, not quite correctly quoted.

NOTE 67, p. 261.—Horace, "Satir.," ii., 2. "The precept is not mine. Ofellus gave it in his rustic strain irregular, but wise."

NOTE 68, p. 261.—In allusion to the declaration in Exodus xx., 25: "If thou lift up thy tool upon it [the altar] thou hast polluted it."

NOTE 69, p. 265.—In allusion to a statement that had been made by Grenville. Burke said in his speech on American taxation: "He has declared in this House an hundred times, that the colonies could not legally grant any revenues to the Crown."

NOTE 70, p. 278.—This was in strict accordance with Burke's political philosophy. In a letter to the Sheriff of Bristol, he wrote: "Of one thing I am perfectly clear, that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept."

NOTE 71, p. 278.—Shak.: "Othello," Act iii., Scene v. So at the beginning of his paper on the "Present Discontents," Burke speaks of "reputation, the most precious possession of every individual." In the fourth letter on a "Regicide Peace," he said: "Our ruin will be disguised in profit, and the sale of a few wretched baubles will bribe a degenerate people to barter away the most precious jewel of their souls."

NOTE 72, p. 279.—"I drew them with cords of a man, with bands of love."—HOSEA, xi., 4.

NOTE 73, p. 279.—Another illustration of Burke's habit of making use of the inestimable maxims of the great Greek politician.

NOTE 74, p. 282.—"Experiment upon a worthless subject" was a maxim among old scientific inquirers.

NOTE 75, p. 286.—A "Treasury Extent" was a writ of Commission for valuing lands and tenements for satisfying a Crown debt.

NOTE 76, p. 289.—The quotation is from Juvenal i., l. 90, and refers to the habit of the Roman gambler. Gifford renders the passage:

> "For now no more the pocket's stores supply
> The boundless charges of the desperate die,
> *The chest itself is staked.*"

NOTE 77, p. 291.—Milton's Paradise Lost, iv., 106. This also is a misquotation:—*retract* should be *recant*. Burke seldom took the trouble to verify his quotations, but relied upon a powerful, though slightly fallible, memory.

NOTE 78, p. 294.—This passage is perhaps one of the noblest and most characteristic of all Burke's utterances. And yet, in all its magnificance it shows how largely the orator was indebted to his reading. Mr. E. J. Payne, as an illustration of the way in which Burke "repays his rich thievery of the Bible and the English poets," has pointed out the sources from which the most striking expressions were consciously or uncon-

sciously derived. The closing sentence in an adaptation from Virgil, Æn. vi., 726; "My trust is in her," is from the Psalms; "Light as air," etc., from Othello; "Grapple to you," from Hamlet; "No force under heaven," etc., from St. Paul; "Chosen race," Tate & Brady; "Perfect obedience" and "mysterious whole," from Pope. Most striking of all, the passage in which "the chosen race" is represented "turning their faces towards you," is from 1. Kings, viii., 44-45. "If the people go out to battle, or whithersoever thou shall send them, and shall pray unto the Lord toward the city, which thou hast chosen, and toward the house that I have built in thy name, then hear thou in heaven their prayer and their supplication, and maintain their cause."

NOTE 79, p. 295.—Until 1798 the Land Tax yielded from one third to one half of all the revenue; but in that year it was made permanent, and now yields only about one sixty-fourth.

NOTE 80, p. 295.—The Mutiny Bill plays a very curious part in English Constitutional usage. In the Declaration of Rights it was declared that "standing armies and martial law in peace, without the consent of Parliament, are illegal." The "consent of Parliament" is now secured in the following manner: An appropriation is made to support such an army as is needed, but all of the provisions of the appropriating bill are limited *to one year*. In order to maintain even the nucleus of an army, therefore, it is absolutely necessary that Parliament should be in session every year. This is the only provision guaranteeing an annual assembling of Parliament.

NOTE 81, p. 296.—*Sursum Corda:* "let your hearts arise," was the form of a call to silent prayer at certain intervals in the Roman Catholic service."

NOTE 82, p. 296.—*Let it be happy and prosperous*, was a form of prayer among the Romans at the beginning of an important undertaking.




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